U. S. DEPARTMENT OF LABOR
BUREAU OF IMMIGRATION

# TREATY, LAWS, AND RULES GOVERNING THE ADMISSION OF CHINESE

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RULES OF MAY 1, 1917

17-26549

WASHINGTON
GOVERNMENT PRINTING OFFICE
1917

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# TREATY, LAWS, AND RULES GOVERNING THE ADMISSION OF CHINESE.

## TREATY BETWEEN THE UNITED STATES AND CHINA, CONCERNING IMMIGRATION.

[22 Stat. L., 826.[1]]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

### A PROCLAMATION.

Whereas a Treaty between the United States of America and China, for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States, was concluded and signed at Peking in the English and Chinese languages, on the seventeenth day of November in the year of our Lord one thousand eight hundred and eighty, the original of the English text of which Treaty is word for word as follows:

Whereas, in the eighth year of Hsien Feng, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—and

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, John F. Swift, of California, and William Henry Trescot, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

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[1] Concluded Nov. 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed Oct. 5, 1881.

### Article I.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.[1] The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

### Article II.

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

### Article III.

If Chinese laborers, or Chinese of any other class, now either permanently or temporarily residing in the territory of the United States, meet with illtreatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

### Article IV.

The high contracting powers having agreed upon the foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese being three

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[1] Affected by various provisions of law, probibiting the admission of Chinese laborers to the United States.

originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

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| JAMES B. ANGELL. | [SEAL.] |
| JOHN F. SWIFT. | [SEAL.] |
| WM. HENRY TRESCOT. | [SEAL.] |
| PAO CHÜN. | [SEAL.] |
| LI HUNGTSAO. | [SEAL.] |

And whereas the said Treaty has been duly ratified on both parts and the respective ratifications were exchanged at Peking on the 19th day of July 1881:

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America have caused the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in Washington this fifth day of October in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.] CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,
*Secretary of State.*

## LAWS RELATING TO THE ADMISSION OF CHINESE.

### PROVIDING FOR THE ENFORCEMENT OF THE EXCLUSION TREATY WITH CHINA.

[Act of May 6, 1882, as amended and added to by act of July 5, 1884 (22 Stat. L., 58; 23 Stat. L., 115).[1]]

SECTION 1. That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage

[1] The act of May 6, 1882, as amended and added to by the act of July 5, 1884, was continued in force for an additional period of 10 years from May 5, 1892, by the act of May 5, 1892 (27 Stat. L., 25); and was, with all laws on this subject in force on Apr. 29, 1902, reenacted, extended, and continued without modification, limitation, or condition by the act of Apr. 29, 1902 (32 Stat. L., 176), as amended by the act of Apr. 27, 1904 (33 Stat. L., 428).

to any foreign port or place: *Provided*, That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."[1]

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"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign Government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English language, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate, shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.[2]

"If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word 'merchant,' hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.[3]

"If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

"The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

"Such certificate viséd as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at

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[1] Secs. 4 and 5 have been superseded by the act of Sept. 13, 1888, and are therefore omitted. If needed for reference in a historical way or in connection with prosecutions, see 23 Stat. L., 115.

[2] Official signing certificate must be known or shown to have authority from foreign Government (54 Fed., 490). For list of such officials, see Rule 10.

[3] For definition of "Merchant," see sec. 2, act Nov. 3, 1893; of "Student," Rule 8.

which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."[1]

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the Chinese inspector in charge of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other particulars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo.

"Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo."

SEC. 9. That before any Chinese passengers are landed from any such vessel, the Chinese inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law.

Section ten of said act is hereby amended so as to read as follows:

"SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found."[2]

Section eleven of said act is hereby amended so as to read as follows:

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[1] *Sec. 6 certificates.*—Must conform strictly to all requirements (186 U. S., 168, 176; 83 Fed., 832; 133 Fed., 392; Op. Atty. Gen., 130). Administrative officers sole judge of sufficiency and weight of (186 U. S., 168, 176). Admission under not for laboring purposes (83 Fed., 832; 86 Fed., 605; 133 Fed., 154 and 391). Sole evidence permissible on part of Chinese (140 U. S., 424; 48 Fed., 668; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609). Are prima facie evidence only, and may be ignored where there is any impeaching evidence at all (186 U. S., 168; 217 Fed., 45).

[2] See 148 Fed., 918 and 921.

"SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year."[1]

Section twelve of said act is hereby amended so as read as follows:

"SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper Chinese inspector the certificate in this act required of Chinese persons seeking to land from a vessel.

"And any Chinese person found unlawfully within the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

"And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act."[2]

Section thirteen of said act is hereby amended so as to read as follows:

"SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons."

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.[3]

Section fifteen of said act is hereby amended so as to read as follows:

"SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other

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[1] *Smuggling.*—In general (46 Fed., 755: 124 Fed., 831; 159 Fed., 187 and 421; 164 Fed., 654; 168 Fed., 438; 170 Fed., 201 and 624). "Searches and seizures" (see 149 U. S., 698, 730; and 185 U. S., 306). Deportation decree of United States commissioner sufficient basis for holding that smuggled Chinese were not entitled to enter (124 Fed., 831). See also Rule 7 and footnote.

[2] This provision is superseded by one on the same subject contained in the sundry civil act of Aug. 24, 1912, p. 20, post.

[3] See 149 U. S., 698, 716; 71 Fed., 274; 21 Op. Atty. Gen., 37 and 581.

foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining."[1]

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

## PROHIBITING THE COMING OF CHINESE LABORERS TO THE UNITED STATES.

[Act of September 13, 1888 (25 Stat. L., 476, 477).[2]]

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SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.[3]

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the Chinese inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary

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[1] Amended by act of Nov. 3, 1893. See also Rule 2.

[2] At the time of the passage of this act a proposed treaty with China was under negotiation. As the Chinese Government failed to ratify the treaty, some question arose as to whether this act took effect. Administrative officers held, however, that secs. 5 to 14, excepting sec. 12, did not depend upon the ratification of the treaty, but became operative upon the approval of the act. To remove all possibility of doubt, said sections were reenacted by the acts of 1902 and 1904.

[3] See Rule 13 and footnotes thereto.

of Labor,[1] and for any false swearing in relation thereto he shall incur the penalties of perjury.

He shall also permit the Chinese inspector in charge to take a full description of his person, which description the inspector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.[2]

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and certified by such representative of the United States to the satisfaction of the Chinese inspector in charge at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.[3]

And no Chinese laborer shall be permitted to reenter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required.[4] A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Labor.

SEC. 8. That the Secretary of Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles.

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[1] By the act of Feb. 14, 1903 (32 Stat. L., 828), the authority and power with respect to the enforcement of the exclusion laws theretofore vested in the Secretary of the Treasury were transferred to the Secretary of Commerce and Labor and by the act of Mar. 4, 1913, to the Secretary of Labor; hence this change and other similar changes in the wording of this reproduction of the several acts.

[2] For procedure, see Rule 13.

[3] See Rule 14.

[4] If laborer departs and returns without such certificate, he is subject to deportation (120 Fed., 989; 21 Op. Atty. Gen., 424; 23 Op. Atty. Gen., 619); and his certificate of residence is thereby abrogated (214 Fed., 57).

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.[1]

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessels shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

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SEC. 13.[2] That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner[3] of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person shall be removed from the United States to the country whence he came.[4]

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[1] See secs. 10 and 11, act of 1882–1884 and footnotes pp. 8, 9.

[2] The validity of this section is discussed in 47 Fed., 431, 433, 878; 50 Fed., 271; 55 Fed., 58.

[3] Commissioners may decide questions of citizenship (186 U. S., 193, 200); but a certificate issued by them is not of itself evidence of adjudication (193 U. S., 65, 78; 119 Fed., 786; 161 Fed., 211; 174 Fed., 70; 207 Fed., 696; 21 Op. Atty. Gen., 581). A claim of citizenship res judicata based upon a commissioner's decision must be proved by introducing in evidence the complete original record or a certified complete copy thereof. (Id.)

[4] For procedure regarding deportation see Rules 23–25.

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.[1]

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section.

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Labor, without production of other evidence than that of personal identity.

## PROHIBITING THE COMING OF CHINESE PERSONS INTO THE UNITED STATES AND PROVIDING FOR REGISTRATION OF RESIDENT LABORERS.

[Act of May 5, 1892 (27 Stat. L., 25).[2]]

SECTION 1. That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.[3]

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[1] *Appeals.*—Not allowed to Government (123 Fed., 159). Are to district court, not judge (194 U. S., 194; 50 Fed., 271). Policy of law opposed to numerous (186 U. S., 193, 201). Must be taken in 10 days (100 Fed., 730, and 153 Fed., 494). See also 110 Fed., 952; 144 Fed., 968; and 147 Fed., 750, and sec. 6, act of 1892. Decision of commissioner or lower court will not be reversed on questions of fact unless clearly contrary to evidence (49 Fed., 569; 63 Fed., 261; 114 Fed., 702; 116 Fed., 316 and 614; 128 Fed., 697; 137 Fed., 875; 164 Fed., 330; 170 Fed., 182; 211 Fed., 91; 214 Fed., 77; 222 Fed., 66). Statements made by arrested Chinese to an inspector at time of arrest are admissible in evidence when such Chinese is brought to trial (134 Fed., 19, 25; 195 Fed., 53, 54; 198 Fed., 596, 599, 600; 198 Fed., 603, 604; 203 Fed., 25, 28).

*Deportation proceedings.*—Are civil, not criminal (149 U. S., 698, 730; 81 Fed., 562; 118 Fed., 442; 126 Fed., 226; 134 Fed., 19; 145 Fed., 791). Defendants can be required to testify for Government (145 Fed., 791; 146 Fed., 670; 147 Fed., 227); and punished for contempt for refusal to testify (160 Fed., 207, and 163 Fed., 1008). Are not "causes" within R. S., sec. 566 (146 Fed., 343).

[2] The act of Oct. 1, 1888 (25 Stat. L., 504), was repealed by the treaty of 1894 (31 Op. Atty. Gen., 68); hence its omission.

[3] Burden on Chinese to show he is entitled to be deported elsewhere than to China (125 Fed., 627). See also 47 Fed., 305; 116 Fed., 612; 20 Op. Atty. Gen., 171.

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof [1] to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.[2]

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be imprisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.[3]

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.[4]

SEC. 6.[5] And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue, or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act;[6] and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

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[1] Burden of proof on arrested Chinese (149 U. S., 698; 180 U. S., 486; 186 U. S., 193, 200; 193 U. S., 65, 76, and 517; 54 Fed., 334; 57 Fed., 206; 86 Fed., 896; 105 Fed., 188; 111 Fed., 899; 113 Fed., 898; 118 Fed., 442; 125 Fed., 627; 133 Fed., 45; 145 Fed., 791; 146 Fed., 343, 670; 156 Fed., 247; 161 Fed., 211; 185 Fed., 838); also on those applying for admission (125 Fed., 641; 185 Fed., 838).

[2] For procedure of arrest and deportation, see Rule 23.

[3] This provision is void; see 163 U. S., 228.

[4] Since the passage of the act of 1894 (28 Stat. L., 372, 390, reenacted in sec. 25 of immigration act), the decision of administrative officers, after proper hearing, is final (189 U. S., 86; 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 168 Fed., 479). Bail not permitted in case of appeal from decision on writ (65 Fed., 788). See also 220 Fed., 538.

[5] Amended by act of Nov. 3, 1893; see p. 15.

[6] Where a Chinese was ordered deported and then escaped, evading apprehension for 10 years, held that he could be deported on original order (220 Fed., 352).

And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.[1]

SEC. 6 [as amended by section 1 of the act of November 3, 1893]. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certficate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdicton of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.[2]

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it,[3] and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued: *Provided*, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

SEC. 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be

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[1] These registration provisions are constitutional (149 U. S., 698). Registration under either act is sufficient (110 Fed., 154).

[2] See 70 Fed., 318, and 152 Fed., 157; also Rule 20.

[3] See Rule 21.

necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Such certificates shall be issued without charge[1] to the applicant, and shall contain the name, age, local residence, and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

### AMENDING THE LAW PROHIBITING THE COMING OF CHINESE PERSONS INTO THE UNITED STATES, AND PROVIDING FOR REGISTRATION OF RESIDENT LABORERS.

[Act of November 3, 1893 (28 Stat. L., 7).[2]]

[Section 1 reenacted, with amendments, section 6 of the act of May 5, 1892, and the amended section is printed with the act of May 5, 1892, ante.]

SEC. 2. The words "laborer" or "laborers" wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.[3]

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name,[4] and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such year he was not engaged in the performance of any manual labor, except such as was

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[1] It was provided by joint resolution of Dec. 7, 1893 (28 Stat. L., 575), that no fee or other compensation should be charged in connection with the registration.

[2] The treaty of Dec. 8, 1894 (28 Stat. L., 1210), was denounced by China in 1904 and expired under such denunciation in December of that year; hence its omission.

[3] *Laborers.*—Who are (21 Fed., 785; 57 Fed., 591; 59 Fed., 561; 66 Fed., 953 and 955; 83 Fed., 143; 86 Fed., 303; 87 Fed., 312; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609; 105 Fed., 188; 116 Fed., 614; 137 Fed., 875; 184 Fed., 685; 1 Dist. Ct. Hawaii, 104). Who are not (76 Fed., 450; 94 Fed., 831; 145 Fed., 801).

[4] Name need not appear in firm name, but must appear in books and partnership articles (62 Fed., 914; 94 Fed., 831). See also 193 U. S., 517, 521.

necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.[1]

Such order of deportation shall be executed by the United States marshal of the district within which such order is made,[2] and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

The certificate herein provided for shall contain the photograph of the applicant, together with his name, local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

### PROHIBITING THE IMMIGRATION OF CHINESE INTO HAWAII OR THEIR ENTRY TO THE UNITED STATES FROM HAWAII.

[Joint resolution of July 7, 1898 (30 Stat. L., 751).]

* * * There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

### FIXING STATUS OF CHINESE WITHIN HAWAII AND PROVIDING FOR THEIR REGISTRATION.

[Act of April 30, 1900 (31 Stat. L., 141–161).]

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SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

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SEC. 101. That Chinese in the Hawaiian Islands when this act takes effect may within one year thereafter obtain certificates of residence as required by "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an act approved November third, eighteen hundred and ninety-three, entitled "An act to amend an act entitled 'An act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however*, That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

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[1] *Domiciled merchants.*—For who are not, see footnote 3, p. 16. For procedure concerning, see Rule 15. Do not need "section-6" certificate (144 U. S., 47). Absence for six years does not change status, interest in store in United States having continued (52 Fed., 203). For admission of wives and children of, see Rule 9.

[2] Amended by sundry civil appropriation act of June 23, 1913, p. 20, post.

### COMMISSIONER GENERAL OF IMMIGRATION TO ADMINISTER CHINESE-EXCLUSION LAW.

[Act of June 6, 1900 (31 Stat. L., 588–611).]

* * * And hereafter the Commissioner General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese-exclusion law and of the various acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of Labor.

### FIXING FEES OF UNITED STATES COMMISSIONERS AND REGULATING ISSUANCE OF WARRANTS.

[Act of March 3, 1901 (31 Stat. L., 1093).]

SECTION 1. That it shall be lawful for the district attorney of the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for a hearing.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by the United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

SEC. 4. That this act shall take effect immediately.

### REENACTING CHINESE-EXCLUSION LAWS; REGULATING COMING OF CHINESE PERSONS FROM INSULAR POSSESSIONS; AND PROVIDING FOR ADMISSION TO PARTICIPATE IN EXPOSITIONS.

[Act of April 29, 1902, as amended and reenacted by section 5 of the deficiency act of April 27, 1904 (32 Stat. L., part 1, 176; 33 Stat. L., 394–428).[1]]

SECTION 1. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the act entitled "An act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modification, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and

[1] For explanation of effect of these acts, see 142 Fed., 128.

from one portion of the island territory of the United States to another portion of said island territory:[1] *Provided*, *however*, That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the district of Alaska shall be considered a part of the mainland under this section.

SEC. 2. That the Secretary of Labor[2] is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this act and of the acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

SEC. 3. That nothing in the provisions of this act or any other act shall be construed to prevent, hinder, or restrict, any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Labor may prescribe, both as to the admission and return of such person or persons.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence, so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided*, *however*, That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

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[1] See Rule 11.

[2] By the act of Feb. 14, 1903, entitled "An act to establish the Department of Commerce and Labor" (32 Stat. L., 825), the Commissioner General of Immigration, the Bureau of Immigration, and the Immigration Service were transferred from the Treasury Department to the Department of Commerce and Labor, and by the act of Mar. 4, 1913, to the Department of Labor.

### REIMBURSEMENT OF CHARGES FOR MAINTENANCE OR RETURN OF EXCLUDED CHINESE.

[Act of August 24, 1912 (37 Stat. L., 417, 476).]

* * * *Provided*, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

### PROVIDING FOR DELIVERY OF DEPORTED CHINESE TO OFFICER DESIGNATED BY SECRETARY OF LABOR.

[Act of June 23, 1913 (38 Stat. L., 65).]

* * * *Provided*, That from and after July first, nineteen hundred and thirteen, all Chinese persons ordered deported under judicial writs shall be delivered by the marshal of the district or his deputy into the custody of any officer designated for that purpose by the Secretary of Labor, for conveyance to the frontier or seaboard for deportation in the same manner as aliens deported under the immigration laws.

### REGULATING IMMIGRATION OF ALIENS TO AND RESIDENCE OF ALIENS IN THE UNITED STATES.

[Act of February 5, 1917.[1]]

SECTION 1. That the word "alien" wherever used in this act shall include any person not a native-born or naturalized citizen of the United States; but this definition shall not be held to include Indians of the United States not taxed or citizens of the islands under the jurisdiction of the United States. That the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone; but if any alien shall leave the Canal Zone or any insular possession of the United States and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. That the term "seaman" as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place.

That this act shall be enforced in the Philippine Islands by officers of the general government thereof, unless and until it is superseded by an act passed by the Philippine Legislature and approved by the President of the United States to regulate immigration in the Philippine Islands as authorized in the act entitled "An act to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands, and to provide a more autonomous government for those islands," approved August twenty-ninth, nineteen hundred and sixteen.

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[1] As Chinese applying for admission are in all respects subject to examination under the immigration law, as well as under the exclusion laws (24 Op. Atty. Gen., 706; 161 Fed., 627; 163 Fed., 1021; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933, 998; 183 Fed., 260; 223 U. S., 67), and may be deported on departmental warrant if they enter the country in violation of law (176 Fed., 933, 998; 223 U. S., 67; 202 Fed., 65, 914; 203 Fed., 25, and secs. 19 and 38 of the act of 1917, post), there are inserted here the sections of the immigration acts of 1917 that most frequently have to be referred to in Chinese cases.

SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons; persons who have had one or more attacks of insanity at any time previously; persons of constitutional psychopathic inferiority; persons with chronic alcoholism; paupers; professional beggars; vagrants; persons afflicted with tuberculosis in any form or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who practice polygamy or believe in or advocate the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all forms of law, or who disbelieve in or are opposed to organized government, or who advocate the assassination of public officials, or who advocate or teach the unlawful destruction of property; persons who are members of or affiliated with any organization entertaining and teaching disbelief in or opposition to organized government, or who advocate or teach the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, or who advocate or teach the unlawful destruction of property; prostitutes, or persons coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who directly or indirectly procure or attempt to procure or import prostitutes or persons for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons hereinafter called contract laborers, who have been induced, assisted, encouraged, or solicited to migrate to this country by offers or promises of employment, whether such offers or promises are true or false, or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; persons who have come in consequence of advertisements for laborers printed, published, or distributed in a foreign country; persons likely to become a public charge; persons who have been deported under any of the provisions of this act, and who may again seek admission within one year from the date of such deportation, unless prior to their reembarkation at a foreign port or their attempt to be admitted from foreign contiguous territory the Secretary of Labor shall have consented to their reapplying for admission; persons whose tickets or passage is paid for with the money of another, or who are assisted by others to come, unless it is affirmatively and satisfactorily shown that such persons do not belong to one of the foregoing excluded classes; persons whose ticket or passage is paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; stowaways, except that any such stowaway, if otherwise admissible, may be admitted in the discretion of the Secretary of Labor; all children under sixteen years of age, unaccom-

panied by or not coming to one or both of their parents, except that any such children may, in the discretion of the Secretary of Labor, be admitted if in his opinion they are not likely to become a public charge and are otherwise eligible; unless otherwise provided for by existing treaties, persons who are natives of islands not possessed by the United States adjacent to the continent of Asia, situate south of the twentieth parallel latitude north, west of the one hundred and sixtieth meridian of longitude east from Greenwich, and north of the tenth parallel of latitude south, or who are natives of any country, province, or dependency situate on the continent of Asia west of the one hundred and tenth meridian of longitude east from Greenwich and east of the fiftieth meridian of longitude east from Greenwich and south of the fiftieth parallel of latitude north, except that portion of said territory situate between the fiftieth and the sixty-fourth meridians of longitude east from Greenwich and the twenty-fourth and thirty-eighth parallels of latitude north, and no alien now in any way excluded from, or prevented from entering, the United States shall be admitted to the United States. The provision next foregoing, however, shall not apply to persons of the following status or occupations: Government officers, ministers or religious teachers, missionaries, lawyers, physicians, chemists, civil engineers, teachers, students, authors, artists, merchants, and travelers for curiosity or pleasure, nor to their legal wives or their children under sixteen years of age who shall accompany them or who subsequently may apply for admission to the United States, but such persons or their legal wives or foreign-born children who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law, and shall be subject to deportation as provided in section nineteen of this act.

That after three months from the passage of this act, in addition to the aliens who are by law now excluded from admission into the United States, the following persons shall also be excluded from admission thereto, to wit:

All aliens over sixteen years of age, physically capable of reading, who can not read the English language, or some other language or dialect, including Hebrew or Yiddish: *Provided*, That any admissible alien, or any alien heretofore or hereafter legally admitted, or any citizen of the United States, may bring in or send for his father or grandfather over fifty-five years of age, his wife, his mother, his grandmother, or his unmarried or widowed daughter, if otherwise admissible, whether such relative can read or not; and such relative shall be permitted to enter. That for the purpose of ascertaining whether aliens can read the immigrant inspectors shall be furnished with slips of uniform size, prepared under the direction of the Secretary of Labor, each containing not less than thirty nor more than forty words in ordinary use, printed in plainly legible type in some one of the various languages or dialects of immigrants. Each alien may designate the particular language or dialect in which he desires the examination to be made, and shall be required to read the words printed on the slip in such language or dialect. That the following classes of persons shall be exempt from the operation of the illiteracy test, to wit: All aliens who shall prove to the satisfaction of the proper immigration officer or to the Secretary of Labor

that they are seeking admission to the United States to avoid religious persecution in the country of their last permanent residence, whether such persecution be evidenced by overt acts or by laws or governmental regulations that discriminate against the alien or the race to which he belongs because of his religious faith; all aliens who have been lawfully admitted to the United States and who have resided therein continuously for five years and who return to the United States within six months from the date of their departure therefrom; all aliens in transit through the United States; all aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted, or who admit the commission, or who teach or advocate the commission, of an offense purely political: *Provided further*, That the provisions of this act, relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor, if otherwise admissible, may be imported if labor of like kind unemployed can not be found in this country, and the question of the necessity of importing such skilled labor in any particular instance may be determined by the Secretary of Labor upon the application of any person interested, such application to be made before such importation, and such determination by the Secretary of Labor to be reached after a full hearing and an investigation into the facts of the case: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, nurses, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed as domestic servants: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign Government to its citizens or subjects to go to any country other than the United States, or to any insular possession of the United States or to the Canal Zone, are being used for the purpose of enabling the holder to come to the continental territory of the United States to the detriment of labor conditions therein, the President shall refuse to permit such citizens or subjects of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possession or from the Canal Zone: *Provided further*, That aliens returning after a temporary absence to an unrelinquished United States domicile of seven consecutive years may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe: *Provided further*, That nothing in the contract-labor or reading-test provisions of this act shall be construed to prevent, hinder, or restrict any alien exhibitor, or holder of concession or privilege for any fair or exposition authorized by act of Congress, from bringing into the United States, under contract, such otherwise admissible alien mechanics, artisans, agents, or other employees, natives of his country as may be necessary for installing or conducting his exhibit or for preparing for installing or conducting any business authorized or

permitted under any concession or privilege which may have been or may be granted by any such fair or exposition in connection therewith, under such rules and regulations as the Commissioner General of Immigration, with the approval of the Secretary of Labor, may prescribe both as to the admission and return of such persons: *Provided further*, That the Commissioner General of Immigration with the approval of the Secretary of Labor shall issue rules and prescribe conditions, including exaction of such bonds as may be necessary, to control and regulate the admission and return of otherwise inadmissible aliens applying for temporary admission: *Provided further*, That nothing in this act shall be construed to apply to accredited officials of foreign Governments, nor to their suites, families, or guests.

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SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, or shall conceal or harbor, or attempt to conceal or harbor, or assist or abet another to conceal or harbor in any place, including any building, vessel, railway car, conveyance, or vehicle, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or to reside within the United States under the terms of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $2,000 and by imprisonment for a term not exceeding five years, for each and every alien so landed or brought in or attempted to be landed or brought in.

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SEC. 15. That upon the arrival at a port of the United States of any vessel bringing aliens it shall be the duty of the proper immigration officials to go or to send competent assistants to the vessel and there inspect all such aliens, or said immigration officials may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve vessels, the transportation lines, masters, agents, owners, or consignees of the vessel upon which said aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would under the provisions of this act bind the said vessels, transportation lines, masters, agents, owners, or consignees: *Provided*, That where removal is made to premises owned or controlled by the United States, said vessels, transportation lines, masters, agents, owners, or consignees, and each of them, shall, so long as detention there lasts, be relieved of responsibility for the safekeeping of such aliens. Whenever a temporary removal of aliens is made the vessels or transportation lines which brought them and the masters, owners, agents, and consignees of the vessel upon which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention, pending decision on the aliens' eligibility to enter the United States and until they are either allowed to land or return to the care of the line or to the vessel which brought them, such expenses to include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and transfer to the

vessel in the event of deportation, excepting only where they arise under the terms of any of the provisos of section eighteen hereof. Any refusal or failure to comply with the provisions hereof shall be punished in the manner specified in section eighteen of this act.

* * * * * * *

SEC. 19. That at any time within five years after entry, any alien who at the time of entry was a member of one or more of the classes excluded by law; any alien who shall have entered or who shall be found in the United States in violation of this act, or in violation of any other law of the United States;[1] any alien who at any time after entry shall be found advocating or teaching the unlawful destruction of property, or advocating or teaching anarchy, or the overthrow by force or violence of the Government of the United States or of all forms of law or the assassination of public officials; any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing; except as hereinafter provided, any alien who is hereafter sentenced to imprisonment for a term of one year or more because of conviction in this country of a crime involving moral turpitude, committed within five years after the entry of the alien to the United States, or who is hereafter sentenced more than once to such a term of imprisonment because of conviction in this country of any crime involving moral turpitude, committed at any time after entry; any alien who shall be found an inmate of or connected with the management of a house of prostitution or practicing prostitution after such alien shall have entered the United States, or who shall receive, share in, or derive benefit from any part of the earnings of any prostitute; any alien who manages or is employed by, in, or in connection with any house of prostitution or music or dance hall or other place of amusement or resort habitually frequented by prostitutes, or where prostitutes gather, or who in any way assists any prostitute or protects or promises to protect from arrest any prostitute; any alien who shall import or attempt to import any person for the purpose of prostitution or for any other immoral purpose; any alien who, after being excluded and deported or arrested and deported as a prostitute, or as a procurer, or as having been connected with the business of prostitution or importation for prostitution or other immoral purposes in any of the ways hereinbefore specified, shall return to and enter the United States; any alien convicted and imprisoned for a violation of any of the provisions of section four hereof; any alien who was convicted, or who admits the commission, prior to entry, of a felony or other crime or misdemeanor involving moral turpitude; at any time within three years after entry, any alien who shall have entered the United States by water at any time or place other than as designated by immigration officials, or by land at any place other than one designated as a port of entry for aliens by the Commissioner General of Immigration, or at any time not designated by immigration officials, or who enters without inspec-

[1] The phrase "or in violation of any other law of the United States" has reference to the Chinese-exclusion laws. "Its object is to make perfectly clear * * * the intent to continue the practice established under that act (the act of 1907), and since approved in a number of court decisions, including the decision of the Supreme Court in the Wong You case (223 U. S., 67), of expelling aliens who enter or are found here in violation of the Chinese-exclusion law, adapting the administrative process of the immigration act to that class of cases wherever the proceedings are instituted within the period of limitation specified therein." (S. Rept. No. 352, 64th Cong., 1st sess.)

tion, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported: *Provided*, That the marriage to an American citizen of a female of the sexually immoral classes the exclusion or deportation of which is prescribed by this act shall not invest such female with United States citizenship if the marriage of such alien female shall be solemnized after her arrest or after the commisison of acts which make her liable to deportation under this act: *Provided further*, That the provision of this section respecting the deportation of aliens convicted of a crime involving moral turpitude shall not apply to one who has been pardoned, nor shall such deportation be made or directed if the court, or judge thereof, sentencing such alien for such crime shall, at the time of imposing judgment or passing sentence or within thirty days thereafter, due notice having first been given to representatives of the State, make a recommendation to the Secretary of Labor that such alien shall not be deported in pursuance of this act; nor shall any alien convicted as aforesaid be deported until after the termination of his imprisonment: *Provided further*, That the provisions of this section, with the exceptions hereinbefore noted, shall be applicable to the classes of aliens therein mentioned irrespective of the time of their entry into the United States: *Provided further*, That the provisions of this section shall also apply to the cases of aliens who come to the mainland of the United States from the insular possessions thereof: *Provided further*, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law. In every case where any person is ordered deported from the United States under the provisions of this act, or of any law or treaty, the decision of the Secretary of Labor shall be final.

SEC. 20. That the deportation of aliens provided for in this act shall, at the option of the Secretary of Labor, be to the country whence they came or to the foreign port at which such aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which they embarked for such territory; or, if such aliens entered foreign contiguous territory from the United States and later entered the United States, or if such aliens are held by the country from which they entered the United States not to be subjects or citizens of such country, and such country refuses to permit their reentry, or imposes any condition upon permitting reentry, then to the country of which such aliens are subjects or citizens, or to the country in which they resided prior to entering the country from which they entered the United States. If deportation proceedings are instituted at any time within five years after the entry of the alien, such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the appropriation for the enforcement of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessels or transporta-

tion line by which such aliens respectively came, or, if that is not practicable, at the expense of the appropriation for the enforcement of this act. If deportation proceedings are instituted later than five years after the entry of the alien, or, if the deportation is made by reason of causes arising subsequent to entry, the cost thereof shall be payable from the appropriation for the enforcement of this act. A failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and transport to the destination specified any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section eighteen of this act: *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, the said Secretary shall when necessary employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in the same manner as the expense of deporting the accompanied alien is defrayed. Pending the final disposal of the case of any alien so taken into custody, he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.

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SEC. 31. That any person, including the owner, agent, consignee, or master of any vessel arriving in the United States from any foreign port or place, who shall knowingly sign on the ship's articles, or bring to the United States as one of the crew of such vessels, any alien, with intent to permit such alien to land in the United States in violation of the laws and treaties of the United States regulating the immigration of aliens, or who shall falsely and knowingly represent to the immigration authorities at the port of arrival that any such alien is a bona fide member of the crew, shall be liable to a penalty not exceeding $5,000, for which such sum the said vessel shall be liable and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 32. That no alien excluded from admission into the United States by any law, convention, or treaty of the United States regulating the immigration of aliens, and employed on board any vessel arriving in the United States from any foreign port or place, shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to regulations prescribed by the Secretary of Labor providing for the ultimate removal or deportation of such alien from the United States, and the negligent failure of the owner, agent, consignee, or master of such vessel to detain on board any such alien after notice in writing by the immigration officer in charge at the port of arrival, and to deport such alien, if required by such immigration officer or by the Secretary of Labor, shall render such owner, agent, consignee, or master liable to a penalty not exceeding $1,000, for which sum the said vessel shall be liable, and may

be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

SEC. 33. That it shall be unlawful and be deemed a violation of the preceding section to pay off or discharge any alien employed on board any vessel arriving in the United States from any foreign port or place, unless duly admitted pursuant to the laws and treaties of the United States regulating the immigration of aliens: *Provided*, That in case any such alien intends to reship on board any other vessel bound to any foreign port or place, he shall be allowed to land for the purpose of so reshipping, under such regulations as the Secretary of Labor may prescribe to prevent aliens not admissible under any law, convention, or treaty from remaining permanently in the United States, and may be paid off, discharged, and permitted to remove his effects, anything in such laws or treaties or in this act to the contrary notwithstanding, provided due notice of such proposed action be given by the master or the seaman himself to the principal immigration officer in charge at the port of arrival.

SEC. 34. That any alien seaman who shall land in a port of the United States contrary to the provisions of this act shall be deemed to be unlawfully in the United States, and shall, at any time within three years thereafter, upon the warrant of the Secretary of Labor, be taken into custody and brought before a board of special inquiry for examination as to his qualifications for admission to the United States, and if not admitted said alien seaman shall be deported at the expense of the appropriation for this act as provided in section twenty of this act.

SEC. 35. That it shall be unlawful for any vessel carrying passengers between a port of the United States and a port of a foreign country, upon arrival in the United States, to have on board employed thereon any alien afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome or dangerous contagious disease, if it appears to the satisfaction of the Secretary of Labor, from an examination made by a medical officer of the United States Public Health Service, and is so certified by such officer, that any such alien was so afflicted at the time he was shipped or engaged and taken on board such vessel and that the existence of such affliction might have been detected by means of a competent medical examination at such time; and for every such alien so afflicted on board any such vessel at the time of arrival the owner, agent, consignee, or master thereof shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $50, and pending departure of the vessel the alien shall be detained and treated in hospital under supervision of immigration officials at the expense of the vessel; and no vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine and while it remains unpaid: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine: *Provided further*, That such fine may, in the discretion of the Secretary of Labor, be mitigated or remitted.

SEC. 36. That upon arrival of any vessel in the United States from any foreign port or place it shall be the duty of the owner, agent, consignee, or master thereof to deliver to the principal immigration officer in charge of the port of arrival lists containing the names of

all aliens employed on such vessel, stating the positions they respectively hold in the ship's company, when and where they were respectively shipped or engaged, and specifying those to be paid off and discharged in the port of arrival; or lists containing so much of such information as the Secretary of Labor shall by regulation prescribe; and after the arrival of any such vessel it shall be the duty of such owner, agent, consignee, or master to report to such immigration officer, in writing, as soon as discovered, all cases in which any such alien has illegally landed from the vessel, giving a description of such alien, together with any information likely to lead to his apprehension; and before the departure of any such vessel it shall be the duty of such owner, agent, consignee, or master to deliver to such immigration officer a further list containing the names of all alien employees who were not employed thereon at the time of the arrival but who will leave port thereon at the time of her departure, and also the names of those, if any, who have been paid off and discharged, and of those, if any, who have deserted or landed; and in case of the failure of such owner, agent, consignee, or master so to deliver either of the said lists of such aliens arriving and departing, respectively, or so to report such cases of desertion or landing, such owner, agent, consignee, or master shall, if required by the Secretary of Labor, pay to the collector of customs of the customs district in which the port of arrival is located the sum of $10 for each alien concerning whom correct lists are not delivered or a true report is not made as above required; and no such vessel shall be granted clearance pending the determination of the question of the liability to the payment of such fine, and, in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon deposit of a sum sufficient to cover such fine.

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SEC. 38. That this act, except as otherwise provided in section three, shall take effect and be enforced on and after May first, nineteen hundred and seventeen. * * * : *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, except as provided in section nineteen hereof[1] * * * : *Provided further*, That nothing contained in this act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act, except as mentioned in the third proviso of section nineteen hereof; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters, the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

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[1] See sec. 19 and footnote thereto, ante, p. 25.

## EXECUTIVE ORDER OF THE GOVERNOR OF THE PHILIPPINE ISLANDS.

GOVERNMENT OF THE PHILIPPINE ISLANDS,
EXECUTIVE BUREAU,
*Manila, P. I., September 23, 1904.*

EXECUTIVE ORDER
No. 38.

Whereas the Department of Commerce and Labor of the United States has, under date of July 27, 1903, issued a certain rule to regulate the admission of Chinese persons from the Philippine Islands into the mainland territory of the United States and into the insular possessions of the United States other than the Philippine Islands, which said rule is as follows:

[Since the issuance of this order the rule mentioned has been amended; reference should therefore be had to Rule 11, p. 45.]

* * * * * * *

And whereas it is the desire of the government of the Philippine Islands to afford to such eligible Chinese persons, residents of these islands, as desire to depart out of the same for other parts or possessions of the United States, the privilege so to do and to give evidence of such permission and of the status of each person so permitted in the manner now required by law in the case of Chinese persons departing out of a foreign country as nearly as may be: Now, therefore,

* * * The collector of customs for the Philippine Islands is hereby designated to grant such permission in the name of the government of the Philippine Islands to all such Chinese persons as shall have duly established to his satisfaction their eligibility under the law to enter the mainland territory of the United States or any other of its insular possessions.

This permission, and the prima facie establishment of the facts showing eligibility, shall be evidenced by a certificate signed and approved by him in analogy to the certificate required by section 6 of the act of Congress of July 5, 1884, and referred to in the rule above cited.

It is further ordered that in the case of Chinese persons coming from the other insular possessions of the United States to the Philippine Islands, bearing certificates issued in pursuance of the rule above mentioned, they shall be accorded at the ports of the Philippine Islands the same rights of entry as they would have did they come possessed of similar certificates issued by a foreign Government.

LUKE E. WRIGHT,
*Civil Governor.*

## RULES GOVERNING THE ADMISSION OF CHINESE.[1]

The following rules, issued in pursuance of the foregoing treaty and laws governing the admission of Chinese, are hereby promulgated for the guidance of immigration officials and others concerned. These rules supersede all previously issued rules and regulations, also all circulars of instruction regarding the enforcement of the Chinese-exclusion laws inconsistent herewith:

### Rule 1. PORTS OF ENTRY.

SUBDIVISION 1. *Seaports.*—No Chinese person, other than a Chinese diplomatic or consular officer, shall be permitted to enter the United States elsewhere than at the ports of San Francisco, Cal.; Portland, Oreg.; Boston, Mass.; New York, N. Y.; New Orleans, La.; Port Townsend or Seattle, Wash.; Honolulu, Hawaii; San Juan or Ponce, P. R.; San Diego, Cal., and Tampa, Fla.[2] Chinese holding return certificates issued prior to October 25, 1916, entitling them to return to the United States via Canada, shall be permitted to reenter via Seattle, Wash., upon identification as the rightful holder of the return certificate and the surrender of such certificate to the commissioner of immigration at Seattle.

SUBD. 2. *Entries and reentries from Canada.*—Chinese seeking admission or readmission from Canada, without having been preinvestigated, shall be permitted to apply for examination to the United States immigration officials at Winnipeg, Manitoba, or Montreal, Province of Quebec, those there found admissible to be furnished with a certificate of identity and permitted to cross the Canadian boundary on identification at Sumas, Wash.; Portal, N. Dak.; Noyes, Minn.; Port Huron, Mich.; Detroit, Mich.; Buffalo, N. Y.; Suspension Bridge, N. Y.; Rouses Point, N. Y.; Malone, N. Y.; Richford, Vt.; Island Pond, Vt.; St. Albans, Vt.; or Vanceboro, Me.; and Chinese seeking readmission from Canda and holding a return certificate issued after preinvestigation in accordance with Rules 13, 15, or 16, shall be permitted to reenter through any of the said border ports upon identification at Winnipeg, Manitoba, or Montreal, Province of Quebec, as the rightful holder of the return certificate and the surrender of such certificate.

### Rule 2. THE ADMISSIBLE CLASSES.

Only those Chinese persons who are expressly declared by the treaty and laws relating to the exclusion of Chinese to be admissible shall be allowed to enter the United States, and those only upon com-

[1] For laws and rules applying to aliens in general (including Chinese), see immigration pamphlet. Neither the immigration nor the Chinese-exclusion rules are enforced in the Philippine Islands by officers of the Department of Labor, the act of Feb. 6, 1905 (33 Stat. L., 689–692), prescribing that the United States immigration laws shall be administered in said islands by the officers of the general government thereof.

[2] Sec. 7, act of Sept. 13, 1888.

pliance with the requirements of said treaty and laws and of rules issued thereunder.[1] The admissible classes, therefore, are teachers; students; travelers for curiosity or pleasure; merchants[2] and their lawful wives and minor children;[3] officials of the Chinese Government and their body and household servants; Chinese persons holding the return certificate prescribed by Rules 13 and 15; those seeking in good faith to pass through the country to foreign territory, as provided in Rules 17 and 18; persons whose physical condition necessitates immediate hospital treatment;[4] Chinese persons shown to have been born in the United States[5] and the wives[6] and children[7] of such Chinese American citizens; and seamen as provided in Rule 7.

### Rule 3.[8] EXAMINATION OF APPLICANTS.

SUBDIVISION 1. *Order of examination under immigration and exclusion laws.*—Chinese aliens shall be examined as to their right to admission under the provisions of the immigration law and rules as well as under the provisions of the Chinese-exclusion treaty, laws, and rules.[9] As the former law and rules relate to aliens generally, the status of Chinese applicants must be first determined thereunder; then, if found admissible under the immigration law and rules, their status under the Chinese-exclusion law and rules shall be determined. In order to avoid inconvenience, delay, or annoyance to Chinese applicants through misunderstanding, and in the interest of good administration, examination under both sets of laws and rules shall be made, in the order stated, only at the ports named and in the manner specified in Rule 1 hereof.[10]

SUBD. 2. *Privacy of examination.*—The above-mentioned examinations shall be separate and apart from the public, in the presence of Government officials and such other persons only as the officers in charge shall permit. All witnesses appearing on behalf of any applicant shall be fully heard.[11]

### Rule 4. "SECTION-6" EXEMPT CLASSES.

SUBDIVISION 1. *What certificates accepted without further investigation.*—A Chinese presenting the certificate prescribed by section 6 of the act of July 5, 1884, in proper form and duly viséed by United States consular officers stationed at Canton, Hongkong, Shanghai, or Yokohama, shall be admitted, so far as the exclusion laws are con-

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[1] Sec. 6, act July 5, 1884, and Art. II of treaty; but Department has held that bankers are to be regarded as "merchants," and editors as "teachers." For definition of "Merchant," see act of 1893 and footnotes; for definition of "Student," Rule 8.

[2] 22 Op. Atty. Gen., 130, 132, 133; 57 Fed., 591; 116 Fed., 614.

[3] 176 U. S., 459. But relatives other than wives and minor children of exempts are not admissible (4 Treasury Decisions, 315); and widows and their minor children are not admissible (Department of Commerce and Labor Decisions Nos. 23 and 35).

[4] See Immigration Rule 19.

[5] 169 U. S., 649, but convincing evidence should be required. (140 U. S., 417.)

[6] Are admitted, not as citizens, but as the wives of citizens. (170 Fed., 566; 225 U. S., 460.)

[7] See Rule 9, p. 42, post.

[8] For instructions regarding spelling of Chinese names, see Rule 26. It is the well-established practice that immigration officials, in connection with the enforcement of the Chinese-exclusion laws, shall not board vessels of foreign navies arriving at ports of the United States.

[9] 24 Op. Atty. Gen., 706; 161 Fed., 627, and 163 Fed., 1021; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933 and 998; 183 Fed., 260; 223 U. S., 67.

[10] Burden of proof is upon applicant to show admissibility (125 Fed., 641; 185 Fed., 838); see also footnote to sec. 3, act of 1892. As to responsibility of transportation companies for Chinese aliens temporarily landed, see extract from sundry civil act of Aug. 24, 1912, p. 20, ante; for regulations regarding hospital treatment, Immigration Rule 19.

[11] 194 U. S., 161, 170; 198 U. S., 253, 263; 208 U. S., 8, 13; 190 Fed., 897.

cerned, simply upon identification as the proper holder of the certificate.

SUBD. 2. *Duties of diplomatic and consular officers concerning certificates.*—In accordance with instructions issued at the request of the Department of Labor by the Department of State, diplomatic and consular officers by whom such certificates are viséed will forward to the immigration official in charge at the proposed port of entry a report of the investigation conducted before viséing the certificate, in connection with which the family history of the applicant shall be fully disclosed. Such reports shall be filed with the record of the case, for possible future reference.

SUBD. 3. *Subsequent investigation of holders of certificates.*—The officer in charge of a district in which a port of entry is located shall promptly notify the officers in charge of other districts of the admission or readmission at such port of any member of the exempt classes, or of the wife or minor child of such an exempt, destined to such other district, and it shall be the duty of all officers in charge of districts to make subsequent investigations regarding such Chinese, so that deportation proceedings may be instituted if it is ascertained that they are illegally within the United States.

**Rule 5. APPEARANCE OF COUNSEL; SUBMISSION AND INVESTIGATION OF ADDITIONAL EVIDENCE; APPEALS.**

SUBDIVISION 1. *When counsel permitted to participate.*—If upon the conclusion of the hearing conducted in accordance with Rule 3 the officer in charge does not conclude that the applicant is admissible, counsel employed by applicant or in his behalf shall be permitted to examine the record formulated at the hearing, and may be loaned a copy of the transcript of testimony contained therein. If there is a consular officer of China at the port where examination is held, he also shall be notified in writing that the hearing has been finished and the officer in charge has not been able to conclude that the applicant is entitled to land, and shall be permitted to examine the record. The word "record" as used in this paragraph shall not be construed to include memoranda of comment or letters of transmittal unless they contain evidence additional to that in the record proper.

SUBD. 2. *Submission and investigation of additional evidence.*—Counsel shall be granted 10 days within which to submit additional evidence if he desires to do so. As soon as the new evidence is submitted, such further investigation and examination as may be made necessary thereby shall be conducted promptly. Within the period specified counsel must complete the applicant's case by submitting all available evidence or producing the witnesses who are to testify. Additional time for the preparation of cases will be allowed only when, in the judgment of the officer in charge, a literal compliance with this requirement would occasion injustice to the applicant or the risk of defeat of the purposes of the law. If an extension of time is allowed, the reason for its allowance shall be stated in the record.[1]

SUBD. 3. *Appeals.*—If upon considering the additional evidence the officer in charge reaches the conclusion that the applicant has not

[1] Compliance with this procedure is "due process of law," and the decision of the immigration officer; unless reversed on appeal to the Secretary of Labor, is final (158 U. S., 538; 189 U. S., 86; 194 U. S., 161; 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 157 Fed., 447; 161 Fed., 592; 168 Fed., 479 and 488).

Administrative officers are sole judges of sufficiency and weight of evidence submitted to them (186 U. S., 168, 176). See also 223 U. S., 673. Decisions by such officers not res judicata (180 U. S., 486; 202 U. S., 281; 85 Fed., 422; 97 Fed., 576; 196 Fed., 736).

satisfactorily established his claim of right to enter, such officer shall enter upon the record an excluding decision, and shall notify the applicant or his counsel that such decision has been rendered, and that five days will be allowed in which to take an appeal to the Secretary of Labor. Notice of a desire to appeal shall act as a stay upon the disposal of the applicant until a final decision is rendered by the Secretary.

SUBD. 4. *Applications for reopening.*—(*a*) Applications for reopening decided cases must be submitted to the officer in charge at the port of detention; and the reopening of such cases will not be authorized by the bureau or department (unless for quite extraordinary reasons) except upon recommendation of such officer.

(*b*) Whenever, either before or after receipt of a decision from the bureau or department affirming an excluding decision, an officer in charge learns of new evidence of such relevancy and materiality as in his opinion to require that in justice to the applicant it be considered, and such officer in charge is satisfied such evidence could not, with the exercise of reasonable diligence, have been introduced in connection with the regular hearing, he may stay deportation and request the bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence. When necessary to telegraph, the telegram shall be in substantially the following form:

For the purpose of receiving new material evidence, heretofore unobtainable with exercise of reasonable diligence, recommended reopening case of ———. (Very briefly indicate character of new evidence.)

The words "For the purpose of receiving new material evidence, heretofore unobtainable with exercise of reasonable diligence, recommend reopening case of" shall be represented by the code word "Renvoy."

(*c*) Whenever a case is referred back to an officer in charge by the bureau or department in order that additional evidence may be taken, such case is thereby reopened; and after the new evidence has been taken said officer shall render a new decision, in which in his discretion he may reaffirm, alter, or reverse the previous decision.

SUBD. 5. *Admissions under bond.*—(*a*) When it appears from an appeal record before the department that the applicant has almost, but not quite, established his right to enter, and that delaying final decision and temporarily landing such applicant may result within a reasonable time in the production of evidence sufficient to justify a permanent landing, the acceptance of bond,[1] in the penalty of not less than $2,000, will be authorized, such bond to be conditioned that the temporarily landed alien shall appear when required for any hearing or hearings touching his right to admission and shall deliver himself or be produced for return to the country whence he came if and when found not entitled to enter and remain in the United States. Such bond shall be executed in strict conformity with the requirements prescribed in the form[1] provided by the Bureau of Immigration, and the sureties thereon shall be approved as good and sufficient by the officer in charge at the port of application.

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[1] Form No. 564.

(*b*) Any person so allowed to proceed shall not be considered as having entered the United States unless and until it is finally decided by the Secretary of Labor that he is lawfully entitled to admission, and such decision is duly entered of record; and if finally it shall be decided that such person is not entitled to admission he shall be deemed to be subject to exclusion by executive action as if he had been stopped at the boundary of the country pending the determination of his right to enter,[1] except that the transportation agency by which he was brought to this country shall be responsible only for the return of such person to the country whence he came, and not also for his maintenance and safe custody for the period during which he is permitted to go at large in accordance with the provisions hereof.

### Rule 6. DEPORTATION.

SUBDIVISION 1. *Expenses, how borne.*—Every Chinese person refused admission to the United States, being actually or constructively on the vessel or other conveyance by which he was brought to a port of entry, must be returned to the country whence he came, at the expense of the transportation agency owning such vessel or conveyance.

SUBD. 2. *Notification of time of sailing.*—The master, agent, or owner of any vessel or other means of transportation by which Chinese persons are brought to any port of entry shall notify the officer in charge at said port, at least 24 hours before the intended time of departure of the vessel or other vehicle, of such sailing or departure, in order that the said officer may place on board every Chinese person whose application for permission to land has been finally denied.

### Rule 7. SEAMEN.[2]

SUBDIVISION 1. *Who are seamen.*—(*a*) "The term 'seaman' as used in this act shall include every person signed on the ship's articles and employed in any capacity on board any vessel arriving in the United States from any foreign port or place." (Sec. 1.) In the seamen sections (secs. 31–36) the terms "member of the crew," "alien employed on board," "alien seaman," and "alien employee" are used as synonymous with the word "seaman" as defined in the act. Wherever such words or terms are used in this rule or in the immigration act they shall have the meaning above given. Only aliens who come within such definition shall be treated in the special manner herein specified. The cases of all others shall be handled in accordance with the general requirements of the immigration act and of other immigration rules herewith promulgated or in accordance with the treaty, laws, and rules governing the admission of Chinese.

(*b*) "Arriving in the United States from any foreign port or place" means arriving in the "United States, and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone," from any port or place in a foreign country, in the Canal Zone, or in any insular possession of the United States (secs. 1, 19, and 31–36 of the immigration act; sec. 1 of the Chinese-

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[1] 198 U. S., 263; 161 Fed., 627; 163 Fed., 1021.

[2] This rule is a copy of Rule 10 of the immigration rules of May 1, 1917. Under the immigration act of Feb. 5, 1917 (material parts of which appear at pp. 20 to 29, ante), the cases of seamen of all races are to be handled in the same manner. The sections referred to in this rule relate to said immigration act.

exclusion act of Apr. 29, 1902, as amended by sec. 5 of the deficiency act of Apr. 27, 1904) or, in cases of Chinese persons or persons of Chinese descent, in the territory of Hawaii (last-mentioned act and joint resolution of July 7, 1898). In the expression "reship foreign" and similar expressions used in this rule the word "foreign" includes the insular possessions and the Canal Zone in all cases and also Hawaii in Chinese cases.

SUBD. 2. *Collection of head tax.*—(*a*) The head tax shall be collected on "alien seamen regularly admitted as provided in this act." (Sec. 2.) If the seaman shall be discharged in a United States port by the master or any other officer of the vessel "bringing such alien to the United States," and thereupon shall be regularly admitted, the tax shall be paid by the "master, agent, owner, or consignee of the vessel" or "transportation line" responsible under section 2.

(*b*) If the seaman lands without being discharged and voluntarily applies to the immigration officials for examination, or is apprehended after entering without inspection and examined, and as a consequence of either examination is admitted, the seaman shall be required to pay the tax himself as a condition precedent to his regular admission. But the same exception that applies to alien passengers from the insular possessions shall apply to cases arising hereunder.[1]

(*c*) "Regularly admitted" means admitted with intention not to reship foreign and in accordance with the terms of this rule.

SUBD. 3. *Manifesting, registering, and identifying.*—(*a*) Arriving and departing seamen shall be manifested on the blank forms provided for that purpose by the department,[2] in accordance with the terms of section 36. When an arriving seaman is a "workaway" a notation to that effect should be made on the manifest.

(*b*) Clearance shall not be granted any vessel until the manifests required by section 36 have been furnished, and not then unless, notice of liability to the administrative fine prescribed by said section or to that prescribed by section 35 having been served, the deposit specified in rule 28 of the immigration rules has been made.

(*c*) The notice required by section 36 to be furnished regarding any alien who may have "illegally landed" while the vessel has been in port should consist of a letter reporting the fact[3] and giving the name, nationality, and description of the alien and "any information" within the knowledge of the master or officers of the ship or transportation line "likely to lead to his apprehension." "Illegally landed" means landed in any other manner than that prescribed in this rule.

(*d*) When a vessel calls at several United States ports the list of arriving seamen required by section 36 shall be delivered to the immigration official in charge at the port of arrival; the report of the illegal landings required by said section shall be made to the immigration official in charge at the port of arrival or call where the illegal landing occurs; and the list of departing, deserted, and landed seamen required by said section shall be delivered to the immigration official in charge at the final port of call, i. e., the port from which the vessel departs sailing foreign. The immigration official in charge at any port of call or final clearance foreign shall promptly notify the immigration official in charge at the port of initial entry (where

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[1] See subd. 3 (*i*) and subd. 4, Rule 1, of the immigration rules.
[2] Form 680 for arriving; Form 683 for departing.
[3] Prepared on Form 683.

the incoming crew list is filed) of any and all changes occurring in the crew of any vessel subsequent to departure from such initial port of arrival; and such report shall be filed with the crew list to which it refers.

(*e*) A card register of arriving seamen shall be prepared and kept in the following manner: Masters or other officers of vessels in the foreign trade shall furnish each alien seaman in their employ with a card [1] containing his name, age at date of issue, nationality, personal description, and his photograph. A duplicate of said card shall be furnished by the master or other officer to the immigration officials. The latter, on the first occasion when the seaman is examined, shall complete the card and duplicate by signing his name along the margin of the photograph, partly thereon and partly on the card itself. Also, the examining immigration official shall indicate on the original and duplicate card the status of the seaman under the law, as provided in subdivision 6 hereof. The original of the card, after being so completed, shall be delivered to the seaman; the duplicate shall be filed and properly indexed for future reference. Upon reasonable proof of loss or destruction of the original, or upon the surrender of the original when it becomes worn or mutilated, a copy of the card shall be furnished to any seaman who at the time of making the application still occupies a lawful status as seaman. Such application may be made directly by the seaman to the immigration officer in charge at any port, or through the master or other officer of a vessel by which the seaman rearrives in a United States port to an examining immigration official, in the latter event the card being filled out by the master or other officer as though an original and a note attached showing that it is a reissue.

(*f*) No seaman shall be allowed by an immigrant inspector to land from a vessel, either temporarily or permanently, without being registered in the foregoing manner and furnished with an identification card, unless he presents such a card showing that he already has been registered. If any owner, agent, consignee, or master of a vessel pays off or discharges or fails to retain on board any alien who has not been given the inspection required by this rule, such vessel thereby becomes liable to prosecution for the penalty prescribed by sections 32 and 33, and steps to that end shall be taken at once by the immigration official in charge.

SUBD. 4. *Medical examination.*—All alien seamen arriving in ports of the United States shall be medically examined aboard ship each time they arrive. So far as possible such examination shall be similar to that made in the cases of alien passengers. If any such seaman shall be found to be afflicted with any mental defect or physical disease or affection which, by operation of the certificate alone, places him within any class of aliens mandatorily excluded by section 3, he shall be so certified and shall be allowed to appeal to a board of surgeons, and, in mental cases, to introduce an expert witness of his own choice before such board if he so desires.[2] The certificate shall be delivered to the immigration officer in charge of the examination of the seamen of the vessel involved, who shall promptly, for and in the name of the immigration officer in charge at the port, notify the master or other responsible officer of the vessel [3] that the alien must be detained on board in accordance with section 32 or placed in hos-

[1] Prepared on Form 685. [2] See sec. 16, immigration act. [3] Using Form 631.

pital in accordance with said section or section 35 and subdivision 5 hereof, as the certificate may indicate is advisable or the circumstances may demand, unless arrangements shall be made with the immigration officials in charge by the master or other officer of the vessel or transportation company for his detention in an immigrant station at the expense of the vessel or company.

SUBD. 5. *Exclusion and hospital treatment of seamen mentally or physically afflicted.*—No seaman afflicted with idiocy, imbecility, insanity, epilepsy, tuberculosis in any form, or a loathsome contagious or dangerous contagious disease shall be permitted to land permanently in a port of the United States, and a seaman so afflicted shall be permitted to land temporarily only in the event that he is entitled to receive, or the circumstances are such as to require for humane or sanitary reasons that he shall be afforded, treatment either in a public-health hospital or in an immigration hospital. (Secs. 32 and 35.) If a certificate requiring the vessel to be fined is issued in accordance with section 35, the seaman shall be detained and treated in an immigration hospital (unless the seaman prefers to remain aboard and the responsible officer of the vessel will assume responsibility for his safekeeping and care) "at the expense of the vessel." If an afflicted seaman shall be cured of any other disability than insanity before deportation becomes practicable, he shall be accorded the inspection prescribed in subdivision 6 hereof.

SUBD. 6. *Primary immigration inspection.*—(*a*) In addition to the medical examination which, together with its results, is described in the two preceding subdivisions, all seamen arriving in ports of the United States, except those rejected or placed in hospitals in consequence of such medical examination, shall be regularly inspected by immigrant inspectors.

(*b*) If such seaman is not already in possession thereof, the officers of the vessel shall furnish him with the identification card described in subdivision 3 hereof, and the immigration officials shall complete such card and note in the appropriate space thereon the seaman's intention with respect to reshipping or not. If it is ascertained that the seaman's intention is not to reship foreign or to remain on a vessel that sails foreign, the inspection shall proceed as though the seaman were an alien passenger applying for admission, and he shall be admitted or held for special inquiry in regular course. If it is ascertained that it is the seaman's intention to remain on the vessel or to reship foreign, the inspection shall proceed sufficiently to develop to a reasonable degree whether or not the alien belongs to one of the excluded classes, a notation thereupon to be placed upon the card indicating the inspector's opinion as to the seaman's admissibility if he were applying for entry. There shall be printed on the identification card the three notations "Division 1," "Division 2," and "Division 3." If the inspector is satisfied of the seaman's admissibility, he shall draw a line through the latter two, leaving the former as a notation expressing his opinon; if satisfied of the seaman's inadmissibility, the first two shall be stricken out and the last left as the inspector's notation; but if doubt exists upon the part of the inspector, the first and last shall be stricken out leaving "Division 2" as the inspector's notation upon the card. For example, if the inspector ascertains that the seaman is a Chinese, or a laborer from a country that issues limited passports and not in possession of a pass-

port entitling him to land in the United States, or is a native of that portion of the Orient geographically defined in section 3, or is an illiterate within the meaning of the illiteracy provision of section 3, the inspector shall as a matter of course strike out the first two notations and leave the last; if he ascertains that the seaman does not belong to any of such classes, and is satisfied from inspection and examination of him that he is neither likely to become a public charge nor afflicted with any minor physical defect that may affect earning capacity, he shall permit the notation "Division 1" to remain upon the card, striking out the other two; if the inspector is in doubt with respect to these indefinite and not always readily determinable points, the second notation shall be left upon the card, the first and third being stricken out.

(*c*) If such seaman is already in possession of the identification card prescribed in subdivision 3, the "primary immigration inspection" shall consist merely in determining that the presenter is the proper holder of the card and in ascertaining whether or not it is his intention to reship. If he asserts it is his intention to reship foreign, the "inspection" shall be closed by returning his card to him. If he asserts an intention not to reship foreign, then the inspection shall proceed as though the seaman were an alien passenger applying for admission, the seaman to be admitted or held for special inquiry in regular course as the facts may require.

SUBD. 7. *Secondary immigration inspection.*—(*a*) Any seaman holding an identification card containing the notation "Division 1" made thereon in accordance with subdivision 6 hereof who, at any time after having been permitted to land with the intention of reshipping, changes that intention and desires to remain permanently in the United States, may accomplish that purpose simply by surrendering his identification card to an immigration officer in charge at any immigration station in the United States and furnishing the usual manifest data and a postal money order covering the head tax. In such case the officer to whom the card is surrendered and the money order for head tax delivered shall forward such card and money order to the officer in charge at the port where the card issued; and thereupon an entry shall be made in the appropriate records of such office showing the regular entry of the alien to the United States as of the date of the surrender and payment.

(*b*) Any seaman holding an identification card bearing either the notation "Division 3" or "Division 2" made thereon in accordance with subdivision 6 hereof who, at any time after having been permitted to land with the intention of reshipping, changes that intention and desires to remain permanently in the United States, may apply for complete inspection to the immigration officer in charge at any immigration station in the United States. Thereupon such seaman shall be examined in regular manner, held for examination by board of special inquiry if expressly excludable or the facts and circumstances developed raise a doubt regarding his admissibility, and if found admissible by the inspector or the board he shall be admitted upon surrendering his identification card and paying the head tax; if rejected by the board, he shall be allowed an appeal to the department at Washington. If upon the taking of an appeal the board's decision is affirmed, a warrant of deportation will be issued by the department and the alien deported (sec. 20) at the expense

of the immigration appropriation. If the alien is admitted by the inspector, the board, or the department, the identification card and the money order for head tax collected shall be transmitted to the officer in charge at the port where the card issued, in the manner provided in the preceding paragraph hereof.

SUBD. 8. *Value of identification card.*—The seaman's identification card hereinbefore prescribed shall not constitute evidence of a right to enter or to be or to remain in the United States. It simply evidences the status of the holder as a seaman, identifies him, and indicates the point to which his inspection or examination under the law has proceeded and what remains to be done in his case if he ceases to be a seaman and becomes an alien applicant for admission. It shall have the same value at every other port as at the port where issued.

SUBD. 9. *Arrest of violators.*—(*a*) Any alien who shall come to a United States port as a seaman and land or remain in the United States otherwise than in pursuance of and in accordance with the provisions of this rule shall be arrested, as provided in section 34, whenever and wherever found in this country within three years from the date of landing or from the date when his status changed from that of a seaman to that of an alien here resident. Such alien then shall be brought before a board of special inquiry and subjected to a thorough examination under all provisions of the immigration law applicable to the case of an alien seeking admission; such investigation, if any, as may be necessary to develop evidence concerning him shall be conducted and he shall be subjected also to the medical examination required in the cases of alien applicants for admission. If rejected by the board he shall be allowed an appeal to the department unless the rejection is upon a ground with respect to which the law prohibits an appeal; and in any event the record of the board of special inquiry shall be transmitted to the bureau for submission to the department, in order that a final decision may be rendered if upon appeal and that a warrant of deportation may be issued whether upon appeal or not. Upon the issuance of the warrant the alien shall be deported at the expense of the immigration appropriation.

(*b*) In the case of a Chinese, if apprehension shall occur *more than three years* after his status has changed from that of a seaman to that of an alien here resident, such Chinese shall be arrested in accordance with the Chinese treaty, laws, and rules and brought to trial before a United States commissioner or judge.

SUBD. 10. *Administrative fines.*—The fine prescribed by section 35 for bringing to United States ports seamen afflicted with certain mental and physical disabilities shall be assessed in accordance with subdivisions 1, 2 (*a*), and 5 of Rule 28 (immigration rules), and that prescribed by section 36 for failure to furnish specific information regarding seamen shall be assessed in accordance with subdivision 2 (*h*) of Rule 28 (immigration rules).

SUBD. 11. *Status of American vessels.*—As the deck of an American vessel is constructively American soil, vessels of United States registry will be excepted from the operation of this rule with respect to all seamen signed on such vessels in ports of the mainland of the United States; but with respect to seamen signed on such vessels at foreign ports or ports of the Canal Zone, or insular possessions, or Hawaii (in cases of Chinese), the rule shall be fully applied, just as the law and regulations with respect to alien passengers brought

on American vessels are applied under the general provisions of the act.

SUBD. 12. *Disabled seamen.*—A disabled alien seaman, who nevertheless does not intend to relinquish his calling, but whom the master of the vessel is obliged under the navigation laws of the country to which the vessel belongs to return to the country where he embarked, may, under such regulations as the officer in charge deems proper to carry out the purposes of this subdivision, pass through the United States in transit to such country by the most expeditious and direct route. Where he is suffering from a loathsome contagious or dangerous contagious disease, or with tuberculosis in any form, or from a mental disability, or is in such physical or mental condition as to render him a person likely to become a public charge, the master must make arrangements for his proper care while in transit and furnish a sum of money sufficient to defray the expenses thereof. These provisions are made in the interest of trade and because of the peculiar position occupied by seamen under principles of international comity; and in all cases to which they apply the immigration officials shall confer not only with the master but with the consular representative of the country to which the vessel belongs.

**Rule 8. STUDENTS.**

SUBDIVISION 1. *Definition.*—A student[1] within the meaning of the treaty and laws of the United States relating to the admission and exclusion of Chinese is a person who pursues some regular course of study, including the higher branches of learning, but not excluding the elementary or preparatory branches, if undertaken in good faith; and for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, and who, upon the conclusion of his studies, departs from the United States, unless then found to be qualified to remain as provided in subdivision 4 hereof.[2]

SUBD. 2. *Investigation of applications for "section-6" certificates.*—In determining whether an applicant for a "section-6" certificate as a student is entitled to receive same, care shall be exercised by consular officers to ascertain that proper arrangements have been perfected for applicant's schooling, that some particular school or college has been selected, or that he is going to some responsible person who will select a proper school for him, and that adequate financial provision has been made for maintenance and tuition. Consular officers will advise officers in charge of the result of the investigation regarding these points. Immigration officers shall cooperate fully and promptly with consular officers whenever requested to conduct in the United States an investigation with respect to the character of a school or upon any other point. If circumstances indicate that any element of commercialism or promotion of immigration is involved in the case, consular officers shall bring the facts to the attention of the Department of Labor, through the Department of State, before viséing the certificate.

SUBD. 3. *Engagement in other pursuits prohibited conditionally.*—No applicant admitted as a student shall be permitted to follow in the United States any other occupation than that of studying

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[1] See Rule 4 regarding landing of students.

[2] A stricter definition than this has been cited with approval in a decision of a district court, not published but of record in the Bureau of Immigration (United States *v.* Pun Fu, No. 52730–85).

unless and until he shall have made application to the immigration officer in charge of the district of his residence[1] for the privilege of changing from that to some other exempt occupation and been granted such privilege. From an adverse decision by an immigration official in charge on such an application, appeal shall be allowed to the Commissioner General of Immigration.

SUBD. 4. *Subsequent investigation.*—In each instance in which a student is admitted officers in charge at ports of entry shall advise the officer in charge of the district in which is located the school to which the admitted applicant claims to be going; and the latter shall ascertain whether the avowed purpose of the student is carried out, and, if so, shall make arrangements with the head of the school under which such officer in charge will be promptly advised if the student leaves the school or completes his course therein, and of his future address.

### Rule 9. WIVES AND CHILDREN OF EXEMPTS.

SUBDIVISION 1. *Theory for admission of.*—The Supreme Court having held[2] that the lawful wife and children of a Chinese of the exempt classes may be admitted to the United States without presenting the certificate prescribed by section 6 of the act of July 5, 1884, and the theory of said judicial exception to the provisions of the treaty and laws being that the dependent members of the household of a member of the exempt classes may enter without the prescribed certificate because the husband and father is entitled to the company of the wife and the care and custody of the children and because, such wife and children having no status of their own, to require them to present the certificate would be to attempt to exact an impossibility, the following conditions are prescribed with respect to the proof that shall be exacted in the cases of such wives and children applying for admission.

SUBD. 2. *Evidence concerning.*—In every instance there shall be exacted convincing proof of the relationship asserted as the basis for admission. If the members of the household of the exempt apply in company with the latter, the certificate presented by the husband or father will be accepted as sufficient to cover the members of his household. If the husband or father is domiciled in the United States, evidence shall be required concerning him of the character specified by section 2 of the act approved November 3, 1893, to establish the right of a domiciled merchant to readmission after temporary absence from the United States.[3]

SUBD. 3. *How membership in household determined.*—In the absence of evidence to the contrary, it shall be assumed that a wife or unmarried daughter is a member of the household of the husband or father.

Male children 14 years of age or under[4] shall be conclusively presumed to be members of the father's household. Male children

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[1] See Rule 28 for list of officers.

[2] 176 U. S., 459.

[3] This provision is a necessary requirement to minimize the perpetration of fraud. It has stood in the Chinese regulations since July 27, 1903 (see pamphlet of December, 1903), and was of course adopted in pursuance of the general authority conferred upon the Department to promulgate regulations needed to give the law effect, and of the special authority in that regard conferred by the act of 1902–1904. (See p. 12, pt. 2, H. R. Rept. 1231, 57th Cong., 1st sess., and pp. 3662, 3801, 3802, 4240, 4245 (in particular), 4307, 4419, 4424, 4689, 4761, 4792, vol. 35, Congressional Record). As to character of proofs of mercantile status, see Rule 15, subd. 11.

[4] American reckoning.

15 years of age or over and under 18 years of age[1] shall be presumed to be members of the father's household, but such presumption shall be subject to rebuttal. Such children 18 years of age or over and under 21 years of age[1] shall be required to prove affirmatively and to the satisfaction of the Secretary of Labor that they are members of the father's household.

SUBD. 4. *Majors not admitted as.*—No Chinese male 21 years of age or over[1] shall be permitted to enter the United States otherwise than as of his own individual status and capacity as a member of the exempt classes and upon exhibition of the certificate prescribed by section 6 of the act of July 5, 1884, irrespective of whether he is or is not a member of the household of his exempt father.

**Rule 9—A. WIVES AND CHILDREN OF CHINESE AMERICAN CITIZENS.**

SUBDIVISION 1. *Evidence.*—The lawful wife of an American citizen of the Chinese race may be admitted for the purpose of joining her husband, and the lawful children of such a citizen partake of his citizenship and are therefore entitled to admission. In every such case convincing evidence of citizenship and relationship shall be exacted.

SUBD. 2. *Preinvestigation of alleged husband or father.*—In the cases described in this rule the exempt status or citizenship of an alleged husband or father who is domiciled within the United States may be investigated and determined prior to the arrival of the wife or child, but no investigation regarding the claimed relationship shall be made until the wife or child arrives at a port of entry. In all such preinvestigated cases the decision regarding the alleged husband or father's citizenship shall be rendered by the bureau at Washington, and the procedure prescribed in Rule 16 shall be substantially followed.

**Rule 10. OFFICERS AUTHORIZED TO ISSUE "SECTION-6" CERTIFICATES.**

The officers whose titles are given below have been authorized by their respective Governments to issue to Chinese subjects or citizens of such Governments the certificates prescribed by section 6 of the act approved July 5, 1884.[2]

Annam: Civil service administrator and director of the bureaus of the governor's mansion at Tonkin.

Brazil: Chiefs of police, or corresponding officers in the municipalities and civil subdivisions.

Burma, India: Chief secretary to the Government of Burma.

Canada:

Ottawa—Chief controller of Chinese immigration, or assistant controller of Chinese immigration.
Vancouver—Controller of Chinese immigration.
Victoria—Controller of Chinese immigration.
Winnipeg—Controller of Chinese immigration.

China:

In Chinese Republic—

Amoy—Commissioner of foreign affairs, whose duties are performed by the Amoy superintendent of customs.
Canton—Civil governor.
Chefoo—Commissioner of foreign affairs, whose duties are performed by the intendant of circuit for Chiaotung.

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[1] American reckoning. [2] See footnotes to sec. 6, act of July 5, 1884; also Rule 3.

China—Continued.
In Chinese Republic—Continued.
Chungking—Commissioner of foreign affairs, whose duties are performed by the Chungking superintendent of customs.
Foochow—Special commissioner of foreign affairs.
Hankow—Special commissioner of foreign affairs.
Kowloon—Commissioner of customs.
Mukden—Special commissioner of foreign affairs.
Shanghai—Special commissioner of foreign affairs.
Swatow—Commissioner of foreign affairs.
Tientsin—Special commissioner of foreign affairs whose duties are performed by the Tientsin superintendent of customs.
In countries foreign to China—
Australia—Chinese consul general, Melbourne.
Austria-Hungary—Chinese minister or chargé d'affaires, Vienna.
Belgium—Chinese minister or chargé d'affaires, Brussels.
Canada—Chinese consul general, Ottawa, and Chinese consul, Vancouver.
Cuba—Chinese minister or chargé d'affaires, Habana.
England—Chinese minister or chargé d'affaires, London.
France—Chinese minister or chargé d'affaires, Paris.
Germany—Chinese minister or chargé d'affaires, Berlin.
Hawaii—Chinese consul, Honolulu.
India—Chinese consul, Rangoon, Burma.
Italy—Chinese minister or chargé d'affaires, Rome.
Japan—Chinese minister or chargé d'affaires, Tokyo; Chinese consul general, Yokohama.
Korea—Chinese consul general, Seoul.
Mexico—Chinese minister or chargé d'affaires, Mexico City.
Netherlands—Chinese minister or chargé d'affaires, The Hague.
Panama—Chinese consul general, Panama.
Peru—Chinese minister or chargé d'affaires, Lima.
Philippine Islands—Chinese consul general, Manila.
Portugal—Chinese minister or chargé d'affaires, Lisbon.
Russia—Chinese minister or chargé d'affaires, Petrograd.
Siberia—Chinese commercial agent, Vladivostok.
Spain—Chinese minister or chargé d'affaires, Madrid.
Straits Settlements—Chinese consul general, Singapore.
Transvaal—Chinese consul general, Johannesburg.
Cuba: Chief of immigration department.
Dutch Guiana. (See Surinam.)
Dutch East Indies: Directeur van Justitie, Batavia.
Guatemala: Minister of foreign affairs or subsecretary of state.
Hongkong: Registrar general.
India: Chief secretary to the government of Burma.
Indo-China: Civil service administrator and director of bureaus of the governor's mansion at Tonkin.
Jamaica: Deputy inspector general of police.

Japan:
    Governor of any fu (district) or ken (prefecture).
    Hokkaido—Governor general.
    Formosa—Chief of prefecture having jurisdiction.
Macau, Portuguese province of: Secretary general.
Mexico: Department for foreign affairs.
Philippine Islands: Collector of customs.
Society Islands: Commissioner of police of the municipality of Papeete, Tahiti.
Straits Settlements: Colonial secretary.
    Federal Malay States—Colonial secretary, federal secretary, or secretary for Chinese affairs.
Surinam (Dutch Guiana): Government's secretary, or secretary ad interim at Paramaribo.
Tonkin: Civil service administrator and director of the bureaus of the governor's mansion.
Trinidad: Governor.
Venezuela: Mayors of cities or governors of provinces.

**Rule 11. CITIZENS AND EXEMPTS RESIDENT IN INSULAR POSSESSIONS AND HAWAII.**

SUBDIVISION 1. *Citizens of insular territory other than Hawaii.*—If Chinese persons of the exempt classes who are citizens of other insular territory of the United States than the Territory of Hawaii desire to go from such insular territory to the mainland or from one insular territory to another, they shall comply with the terms of section 6 of the act approved July 5, 1884. The certificate prescribed by said section shall be granted by officers designated for that purpose by the chief executives of said insular territories, and the duties thereby imposed upon United States diplomatic and consular officers in foreign countries in relation to Chinese persons of the said classes shall be discharged by the officers in charge of the enforcement of the Chinese-exclusion acts at the ports, respectively, from which any members of such excepted classes intend to depart from any insular territory of the United States:[1] *Provided, however*, That the privilege of transit shall be extended to all persons other than laborers, as provided in Rule 18.

SUBD. 2. *Citizens and exempt residents of Hawaii.*—As *all persons* who were citizens of the Republic of Hawaii on August 12, 1898, are citizens of the United States,[2] persons of the Chinese race claiming such status may be admitted at either mainland or insular ports of entry upon producing evidence sufficient to establish such claim. Citizens of the Chinese Republic of the exempt classes residing in Hawaii must obtain certificates from the representative of their own Government (the Chinese consul, Honolulu), and such certificates must be viséed by the inspector in charge of the immigration service in said islands instead of by a diplomatic or consular officer.

SUBD. 3. *Citizens and exempt residents of the Philippine Islands.*—The Governor General of the Philippine Islands having, by executive order No. 38, of September 23, 1904, designated the collector of customs, Manila, to *issue* to Chinese citizens of those islands the certificate provided by section 6 of the act of July 5, 1884, and it being impracticable to require that such certificate shall be viséed,

[1] Sec. 1, act of 1902–1904.
[2] Sec. 4, act of Apr. 30, 1900; 23 Op. Atty. Gen., 345, 509.

officers at ports of entry for Chinese will regard certificates issued to such Philippine citizens in the same manner as certificates issued by officials of foreign countries and viséed by American diplomatic or consular officers. Certificates issued by the Chinese consul general, Manila, to *citizens of the Chinese Republic* residing in the Philippines will be viséed by the collector of customs at Manila, and when so viséed will be accorded the usual consideration.

**Rule 12. LABORER'S RETURN CERTIFICATE, WHO ENTITLED TO.**

The laborer's return certificate provided by section 7 of the act of September 13, 1888, shall be issued only to such Chinese persons as have been duly registered under the provisions of the act of May 5, 1892, or the act of November 3, 1893, and present a certificate issued thereunder, or such as have established before a court of competent jurisdiction the lawfulness of their residence in the United States and presented a certified copy of the court's decision, or such as otherwise establish before the immigration official to whom application for the return certificate is made that they are lawfully within the United States.[1]

**Rule 13. LABORER'S RETURN CERTIFICATE, PROCEDURE FOR OBTAINING.**

SUBDIVISION 1. *Form of application.*—Any Chinese laborer claiming the right to leave and return to the United States in accordance with sections 5 to 7 of the act of September 13, 1888,[2] shall make written application to the immigration officer located nearest to his place of residence for preinvestigation of his claim, such application to be prepared in triplicate on Form No. 432, furnished by said immigration officer, and to be filed at least 30 days prior to the date of proposed departure.

SUBD. 2. *Evidence.*—Such applicant shall deposit with said officer a certificate of registration[3] or a certified copy of a decision of a court of competent jurisdiction showing that he is lawfully resident in the United States, or shall submit to such officer parol evidence showing that he was lawfully admitted to and has maintained a lawful status while resident within the United States, and such applicant shall make on oath before the officer in writing a full statement descriptive of his family or property or debts,[4] as the case may be, and giving his name, height, local residence, occupation, and distinguishing marks if any, and naming the port at which he expects to depart from the United States, which shall be one of those designated in Rule 1. He shall be required to furnish the testimony of not less than two credible witnesses, who have had opportunity to know the circumstances to which they testify, that one of the grounds specified by the section of law above mentioned actually exists.

SUBD. 3. *Photograph.*—To each of the three copies of said application there shall be attached a photograph of the applicant, printed from the same negative.

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[1] 193 U. S., 517; 71 Fed., 680; 115 Fed., 412; 128 Fed., 319 and 522; 139 Fed., 56; 148 Fed., 926.

[2] If a laborer leaves without the return certicate, he can not lawfully reenter; and if he reenters, he is subject to deportation. (120 Fed., 899; 21 Op. Atty. Gen., 424; 23 Op. Atty. Gen., 619.)

[3] Registration certicate under either the act of 1892 or the act of 1893 is sufficient. (110 Fed., 154.)

[4] An open book account is a "debt pending settlement." (24 Op. Atty. Gen., 637.) The department has held in several cases that money deposited in bank to there remain until laborer's return is "property."

SUBD. 4. *Investigation.*—The officer to whom such application is submitted shall make a thorough examination as to the accuracy of the descriptive statement, whether the accompanying photograph is that of the person described in the certificate or certified copy of court record and statement, and whether applicant's height and descriptive physical marks are accurately given, and (unless similar action has been taken at so recent a date as to give assurance of the genuineness of the papers) shall transmit the certificate of residence to the Commissioner General of Immigration for comparison with the record thereof in his office, in respect not only to name and date therein, but in all other particulars, or the certified copy of court record shall be sent for verification to the clerk of the court by whom issued. Said officer shall also examine[1] the applicant, such witnesses as he may produce, and such other witnesses as may be necessary, causing their testimony to be transcribed in triplicate. When an applicant holding a certificate of residence and his witnesses live at a distance from an immigration station, Form No. 432 may be executed before any officer authorized to administer oaths and the testimony of the witnesses furnished in affidavit form, said executed form and affidavits to be forwarded to the officer in charge of the district, accompanied by applicant's certificate of residence. The remaining provisions of the rule shall be observed so far as applicable.

SUBD. 5. *Disposition of application.*—Upon completing the investigation and after writing his signature across the margin of the photograph attached to each copy of the application, said officer shall forward the original and triplicate of the application, the certificate or certified copy of court record, two transcripts of the testimony, and his report of his investigation of the case, to the immigration official in charge at the port of proposed departure. If applicant proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Winnipeg, if the border port is Sumas, Portal, or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

SUBD. 6. *Indorsement at port of departure.*—Upon the receipt of the papers named in the preceding subdivision the official in charge at the port of departure shall return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably.

SUBD. 7. *Procedure if decision unfavorable.*—In the event an unfavorable response is received from the officer in charge at the port, the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal to the Commissioner General of Immigration from the adverse decision.[2]

SUBD. 8. *Procedure if decision favorable.*—If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the

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[1] For instructions regarding spelling of Chinese names, see Rule 26.

[2] Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See subd. 1, Rule 5. Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See subd. 4, Rule 5.

port of proposed departure and the duplicate copy of the report and of the transcript of testimony shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

SUBD. 9. *Procedure after decision.*—Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At the time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him; and the applicant must be clearly advised that upon his return to the port of departure the statutory ground for his readmission must still exist.

SUBD. 10. *Procedure on applicant's return.*—On the return of the applicant the original application shall be compared with the duplicate on file and with the person presenting it; and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation, except to ascertain from applicant whether the statutory ground for admission still exists. The original application shall be then placed in the files, and the applicant's registration certificate or certified copy of court record shall be returned to him, unless he voluntarily surrenders such paper as a condition precedent to the procurement of a certificate of identity,[1] and in the latter event a notation describing by number or otherwise the surrendered paper shall be placed on the certificate of identity.

### Rule 14. EXTENSION OF TIME LIMIT OF RETURN CERTIFICATES.

Whenever a Chinese laborer holding a return certificate is detained by his sickness or by other disability beyond his control for a time in excess of one year after the date of his departure from the United States, the facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and such consular representative shall certify, to the satisfaction of the officer in charge at the port of return, which must be the port from which such laborer departed, that he has fully investigated the statements of such laborer and believes that he was unavoidably detained for the time specified and for the reason stated, such certificate to be delivered by such consular representative to the master of the vessel on which the Chinese laborer departs for the United States, and by the master delivered to the officer in charge at the port of return.[2]

### Rule 15. EXEMPT'S RETURN CERTIFICATE, PROCEDURE FOR OBTAINING.

SUBDIVISION 1. *Form of application.*—In order to avoid delay in securing admission upon return to one of the ports named in Rule 1 hereof, any Chinese merchant,[3] teacher, or student resident in the

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[1] See subd. 9, Rule 19.
[2] Sec. 7, act of 1888.
[3] For definition of "Merchant," see act of 1893 and footnotes.

United States who desires to go abroad temporarily [1] may make written application to the immigration officer located nearest to his place of residence for preinvestigation of his claim of being a merchant, or teacher, or student within the meaning of the law, such application to be prepared in triplicate on Form No. 431, furnished by said immigration officer, and to be filed at least 30 days prior to the date of proposed departure.

SUBD. 2. *Photograph and evidence.*—To each of the three copies of said application there shall be attached a photograph of the applicant, printed from the same negative; and there shall be furnished therein the names and addresses of two (or more) credible witnesses other than Chinese who are able and willing to testify of their own knowledge that for at least one year immediately preceding the date of proposed departure the applicant has been engaged exclusively in the pursuit named by him; and in States the laws of which require the filing with State officials of lists of the names of persons associated in mercantile business, a certified copy of such list regarding the firm of which applicant claims to be a member shall be exacted.

SUBD. 3. *Investigation.*—The officer to whom said application is made shall examine the applicant, such witnesses as he may produce, and such other witnesses as may be necessary,[2] causing their testimony to be transcribed in triplicate, and shall take such other steps as may be necessary and proper to determine whether the applicant was lawfully admitted to and has maintained a lawful status while resident in the United States, and whether his claim is true.

SUBD. 4. *Disposition of application.*—Upon completing the investigation and after writing his signature across the margin of the photograph attached to each copy of the application, said officer shall forward the original and triplicate of the application, two transcripts of the testimony, and his report of his investigation of the case to the immigration official in charge at the port of proposed departure. If applicant proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Winnipeg, if the border port is Sumas, Portal, or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

SUBD. 5. *Indorsement at port of departure.*—Upon the receipt of the papers named in the preceding subdivision the official in charge at the port of departure shall return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably.

SUBD. 6. *Procedure if decision unfavorable.*—In the event an unfavorable response is received from the officer in charge at the port the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal therefrom to the Commissioner General of Immigration,[3] or, if he so

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[1] The Department has held that the wives and *minor* children of these classes also are entitled to the benefit of the rule.

[2] For instructions regarding spelling of Chinese names, see Rule 26.

[3] Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See subd. 1, Rule 5. Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See subd. 4, Rule 5.

desires, may depart from the country, relying upon his ability to produce further and more satisfactory evidence on his return.

SUBD. 7. *Procedure if decision favorable.*—If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the port of proposed departure and the duplicate copy of the report, of the transcript of testimony, and of documentary proofs shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

SUBD. 8. *Procedure after decision.*—Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him; and the applicant must be clearly advised that upon his return the statutory ground for his readmission must still exist.

SUBD. 9. *Procedure on applicant's return.*—On the return of the applicant the original application shall be compared with the duplicate on file and with the person presenting it; and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation, except to ascertain from applicant whether the statutory ground for admission still exists. The original application shall be then placed in the files.

SUBD. 10. *Preinvestigation not mandatory.*—This rule is adopted as a *privilege*, not a *requirement*, and precludes no one from deferring the submission of his proofs and the determination of his claimed status (primarily by an officer in charge at a port and finally, on appeal, by the Secretary) until application is made for reentry; nor from leaving the country notwithstanding an adverse decision on an application submitted under this rule and again advancing his claim on returning to a port of the United States, with the privilege of appeal if then rejected.

SUBD. 11. *Proof of mercantile status.*—Chinese applying for preinvestigation under the terms of this rule, or for admission without having taken advantage of the rule, on the ground of having been domiciled in the United States as merchants, shall be required to establish to a reasonable certainty that they are actually owners of the business claimed or members of the firm owning such business, with proofs of the amounts actually paid for their respective interests and the times at which such payments were made. In no case should the claim of mercantile status be allowed unless inspection of the alleged mercantile establishment shows a bona fide capital and stock,

the latter commensurate with the former and with the number of partners claimed.[1]

**Rule 16. NATIVE'S RETURN CERTIFICATE, PROCEDURE FOR OBTAINING.**

SUBDIVISION 1. *Form of application.*—In order to avoid delay in securing admission upon return to one of the ports of entry named in Rule 1 hereof, any Chinese person residing in the United States and claiming that by reason of birth in this country he is lawfully entitled to so reside in, and to depart from and return to, the United States, and who desires to go abroad temporarily, may make written application to the immigration officer located nearest to his place of residence for preinvestigation of his said claim, such application to be prepared in triplicate on Form No. 430, furnished by said immigration officer, and to be filed at least 30 days prior to the date of proposed departure.

SUBD. 2. *Photograph.*—To each of the three copies of said application there shall be attached a photograph of the applicant, printed from the same negative.

SUBD. 3. *Evidence.*—The officer to whom said application is made shall obtain from the applicant such documentary proofs [2] in triplicate of his claim as he may possess, and shall take all necessary steps (by correspondence with appropriate Government officials) to ascertain whether such documents are genuine and relate to the applicant; and shall examine the applicant, such witnesses as he may produce, and such other witnesses as may be necessary,[3] causing their testimony to be transcribed in triplicate: *Provided*, That the applicant shall produce all of his witnesses at a time and place agreed upon, and no further witnesses will be examined nor additional evidence considered at his request unless it is conclusively shown that the previous production of such witnesses was impossible or that the additional evidence could not have been previously discovered with due diligence. It is not permissible to incur traveling expenses in such cases unless, because of peculiar or unusual circumstances, their incurrence is authorized in advance by the department.

SUBD. 4. *Transmittal of record to bureau.*—Upon completing the investigation and after writing his signature across the margin of the photograph attached to each copy of the application, said officer shall forward the original and triplicate of the application, the documentary proofs, two transcripts of the testimony, and his report of his investigation of the case to the Commissioner General of Immigration, Washington, D. C.

SUBD. 5. *Decision of case by Commissioner General.*—The Commissioner General, upon the receipt of the papers named in the preceding subdivision, shall return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably. If the Commissioner General reaches a conclusion favorable to the applicant, he shall forward the original of the application, appropriately indorsed, to the officer in charge at the proposed port of departure.

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[1] 61 Fed., 641. For further references, see footnote 3, p. 16.

[2] As to method of proving prior adjudication by court or commissioner, see bureau circular letters of Nov. 5 and 14, 1912, and Jan. 8, 1914, No. 53560–225.

[3] For instructions regarding spelling of Chinese names, see Rule 26.

SUBD. 6. *Submission of brief and argument.*—When the record reaches the Bureau of Immigration it shall be reviewed; and if and when the conclusion is reached by the reviewing officer that an unfavorable decision should be rendered, the applicant shall be so advised and be allowed 20 days from the mailing of the notice in which to present to the Commissioner General, directly or by attorney, such brief and argument as he may desire to prepare and make regarding his application.

SUBD. 7. *Procedure if decision unfavorable.*—In the event an unfavorable response is received from the Commissioner General the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that if he so desires he may depart from the country, relying upon his ability to produce further and more satisfactory evidence on his return.

SUBD. 8. *Procedure if decision favorable.*—If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the office of the Commissioner General and the duplicate copy of the report of the transcript of testimony and of documentary proofs shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

SUBD. 9. *Procedure after decision.*—Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At the time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him.

SUBD. 10. *Procedure on applicant's return.*—On the return of the applicant the original application shall be compared with the duplicate on file, and with the person presenting it; and if the officer in charge is satisfied of the identity of such person, and nothing has occurred or been brought to the attention of the immigration officers during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation. The original application shall be then placed in the files for safe-keeping and possible future use by the applicant should he again leave the United States.

SUBD. 11. *Preinvestigation not mandatory.*—This rule furnishes a convenient method to be followed by Chinese residents of the United States claiming American citizenship who are desirous of departing from the country with assurance of prompt readmission on return. Compliance with its terms is a *privilege*, not a *requirement*. It precludes no one from deferring the submission of his proofs and the determination of his claimed status (primarily by an officer in charge at a port and finally, on appeal, by the Secretary) until application is made for reentry; nor from leaving the country notwithstanding an adverse decision on an application submitted under

this rule and again advancing his claim on returning to a port of the United States, with the privilege of appeal if then rejected.

### Rule 17. TRANSIT OF CHINESE LABORERS.

SUBDIVISION 1. *Ports of entry for transit.*—Chinese shall not be granted the privilege of transit across the United States to foreign countries elsewhere than at the seaports of San Francisco, Cal.; Portland, Oreg.; Port Townsend or Seattle, Wash.; Boston, Mass.; New York, N. Y.; and New Orleans, La.

SUBD. 2. *General requirements.*—Chinese laborers shall not be granted the privilege of transit through the United States to foreign territory if afflicted with tuberculosis or a loathsome contagious or dangerous contagious disease, nor in any event unless they comply with the requirements of subdivision 3; and if in the judgment of the officer in charge at the port of arrival such a person is seeking the privilege of transit with an ulterior purpose of gaining unlawful access to the United States, or conditions at his claimed destination are such as to make it probable that he will smuggle into the United States, he shall be refused permission to land.[1]

SUBD. 3. *Special requirements.*—(*a*) The applicant shall produce to the officer in charge at the port of arrival a prepaid ticket across the whole territory of the United States, land or water, intended to be traversed (and to his alleged foreign destination according to the manifest of the vessel on which he arrives), and such other reasonable proof as may be required to satisfy the said officer that a bona fide transit only is intended and that the applicant has not the ulterior purpose of gaining access to the United States in violation of law; and such ticket and evidence must be so stamped or marked and dated by the said officer as to prevent their use a second time. No such applicant shall be considered as intending in good faith to make such transit only if he has already, on the same arrival, made application for and been denied admission to the United States.

(*b*) The applicant, or some responsible person in his behalf, or the transportation company whose through ticket he holds, shall furnish to the said officer in charge a good and sufficient bond in the penal sum of $500, conditioned for applicant's continuous transit through and actual departure from the United States within a reasonable time, not exceeding 20 days from the date said privilege is granted; but the said bond shall not be required of any such applicant who remains on shipboard or who is transferred from one vessel to another vessel in a United States port, for transit through the water territory of the United States, unless the vessel on which applicant departs is to touch at another port of the United States on the way to its foreign destination.

(*c*) The applicant shall furnish to said officer in charge, to be taken as directed by said officer, a photograph of himself, in triplicate, together with such information as may be required.

(*d*) The officer in charge at the port of arrival shall prepare a descriptive list, to which one of the photographs required by paragraph (*c*) shall be attached, for file in his office, containing as to each Chinese laborer applying for the privilege of transit the following information: Name, age, sex, last place of residence, and the data referred to therein required for his identification. To the said

[1] 185 U. S., 296, 301–305; 111 Fed., 998.

descriptive list there shall be attached a dated and signed statement by the said officer in charge that applicant has complied with all the provisions hereof, and that, being assured of applicant's good faith, the privilege of transit under bond has been accorded him.

(*e*) Two copies of the descriptive list required by paragraph (*d*) shall be prepared by the officer in charge on detached blanks corresponding in form with the said descriptive list, to each of which shall be attached one of the photographs required by paragraph (*c*), and upon each of said photographs, as well as on the one attached to said list, shall be stamped the seal of the said officer in charge, so placed as not to cover any part of the face. One of said copies shall be forwarded by the first mail after it is prepared to the officer in charge at the intended port of exit, and the remaining one shall be given to the conductor of the train or to the captain of the vessel by which the Chinese laborer to whom they relate is carried, for delivery to the said officer at the port of exit.

(*f*) One of the copies described in paragraph (*e*) shall be retained by the officer in charge at the port of exit, for his files, and the other, after an indorsement has been made thereon, duly signed and dated, to the effect that the Chinese laborer named therein has been identified and has departed from the United States, shall be mailed to the officer by whom it was prepared, and its receipt by him, duly executed as herein required, shall be his authority for cancellation of the bond given on behalf of the Chinese laborer.

### Rule 18. TRANSIT OF EXEMPTS.

No Chinese person who shall satisfy the officer in charge that he is other than a laborer (although not supplied with the certificate provided for by section 6 of the act of July 5, 1884), shall be required to comply with such of the provisions of Rule 17 as require Chinese persons seeking the privilege of transit to submit photographs of themselves and to be measured. If, however, any such Chinese person, after having been admitted to pass in transit through the United States, be found therein at the expiration of 20 days from the date of such admission, he shall be deemed to be in the United States in violation of law and shall be deported.

### Rule 19. CERTIFICATES OF IDENTITY.

SUBDIVISION 1. *Who entitled to.*—With a view to affording a proper and efficient means of identification to Chinese persons, or persons of Chinese descent, admitted or readmitted to the United States upon proof of their status as members of the classes specifically exempted from the excluding provisions of the Chinese-exclusion laws, or upon proof that they are lawfully resident laborers or citizens of the United States by birth therein, a certificate of identity shall be issued by the officer in charge at the port of entry to each such person admitted or readmitted to this country by him who may apply for the same; the instructions hereinafter given to be carefully observed in issuing such certificates: *Provided*, That only one such certificate shall be issued to any one Chinese person, except that duplicates of those unavoidably lost or destroyed may be furnished under the terms of subdivision 7 of this rule, the method to be followed with a view to preventing a violation of this proviso being described in subdivision 8 hereof.

SUBD. 2. *Style of certificate.*—The certificates are printed from engraved plates, numbered consecutively, and bound in books containing 50 each, an original and a duplicate of each number being furnished, arranged the latter above the former for convenience in copying from one to the other, and perforated to permit of easy detachment from the book and from each other.

SUBD. 3. *Preparation.*—In issuing said certificates care shall be exercised to have the original and the duplicate correspond in every detail. All blank spaces remaining after writing in the data required to complete the identification of the person to whom the certificate is issued shall be covered by ruled lines, so as to prevent the insertion of any additional word or words without detection, and the seal of the issuing officer should be impressed across the margin of the photograph near the center of the certificate.

SUBD. 4. *Photograph, measurement, and physical marks.*—These certificates being issued as an accommodation to Chinese persons, such persons as may apply for same shall be required to furnish two suitable unmounted photographs of themselves, printed from a negative that has not been retouched, representing the subject without hat, full front view, showing both ears, measuring $1\frac{1}{4}$ inches from top of head to point of chin. The photograph shall be attached to the certificate with great care to insure permanency and prevent warping. The height shall be carefully taken and inserted in feet and inches, and in recording physical marks and peculiarities those which are the most prominent and the least likely to be obliterated by lapse of time shall be selected. In recording the status as of which admitted, the address to which destined shall be given if possible.

SUBD. 5. *Grounds for cancellation.*—These certificates, as shown on their face, are issued to Chinese of the exempt classes for their protection and identification *only so long as such persons shall retain their exempt status*, and are not transferable. Therefore, when such a certificate is found by an inspector to be in the possession of a person to whom issued as an exempt and such person is engaged in the performance of manual labor, or in the possession of a person to whom it does not relate as shown by a comparison of such person with the photograph and personal description appearing thereon, or if at any time it should develop that such certificate has been obtained by fraud, the certificate shall be taken up and forwarded to the Bureau of Immigration, with report of the circumstances, for decision whether it shall be canceled.

SUBD. 6. *Filing of duplicates.*—The duplicates of the certificates shall be forwarded to the Bureau of Immigration promptly upon the issuance of the originals, in order that such duplicates may be safely filed for future reference.

SUBD. 7. *Replacement of lost or destroyed certificates.*—If such a certificate of identification shall be unavoidably lost or destroyed at any time, a certificate in lieu thereof will be issued by the Bureau of Immigration upon the applicant's furnishing satisfactory proof of the unavoidable loss or destruction of such certificate, of his identity as the person to whom it was originally issued, and of his exempt status.

SUBD. 8. *Value of certificate.*—The certificate of identity when issued to Chinese of the exempt classes is granted solely for the protection of such Chinese while *residing in* the United States and

retaining an exempt status, and therefore will not be accepted as satisfactory evidence in any other connection. For example, a domiciled exempt holding such certificate of identity will not be excused from a compliance with the terms of subdivision 11 of Rule 15. The certificate may be accepted, however, as evidence of a former admission as of an exempt status, and be given such *cumulative* value as the circumstances of a case justify. When issued to a person of Chinese descent as a United States citizen by birth, the certificate will be accepted at all times thereafter as evidence of the holder's right to reside in the United States; extreme caution is to be observed, however, in determining whether the certificate is genuine and in the hands of the person to whom issued:[1] *Provided always*, That fraud has not been perpetrated upon the Government in securing its issuance.

SUBD. 9. *Other evidence canceled.*—Upon the issuance of the certificate of identity herein prescribed all other certificates or papers offered by Chinese exempts or natives to establish their right of admission to the United States shall be retained by the officer at the port of entry, a notation in red ink showing the number of the certificate issued in lieu of them and that they are canceled and filed to be written across the face of such papers.[2]

### Rule 20. CERTIFICATE OF RESIDENCE.

SUBDIVISION 1. *When issued.*—An original certificate of residence can be issued to a Chinese laborer only upon the finding of a justice, judge, or commissioner of a United States court that such Chinese laborer was a resident of the United States during the period of registration and that by reason of accident, sickness, or other unavoidable cause he was then unable to secure such a certificate.[3]

SUBD. 2. *Who empowered to issue.*—The authority, power, and jurisdiction in relation to the registration of Chinese lawfully resident in the United States, formerly vested by law in collectors of internal revenue, have been transferred to the Commissioner General of Immigration, Washington, D. C., to whom, therefore, applications for original certificates should be addressed, accompanied by a certified transcript of a judicial finding of the character described in subdivision 1 hereof.

SUBD. 3. *Cancellation.*—Certificates of residence issued to Chinese laborers, if found elsewhere than in possession of persons to whom issued, shall be taken up and forwarded to the Bureau of Immigration.

### Rule 21. DUPLICATE CERTIFICATES OF RESIDENCE.

Duplicate certificates of residence shall be issued only upon satisfactory proof to the Commissioner General of Immigration that the Chinese person upon whose behalf application therefor is made actually has lost, by unavoidable accident, his original certificate. Applications for such certificates should be addressed to the Commissioner General of Immigration, Washington, D. C., should be sworn to, and should contain the following data:

(*a*) Applicant's name; also any other names known by at time of registration.

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[1] See subd. 10, Rule 13.

[2] The certificate is not, however, conclusive evidence of citizenship nor to be regarded as res judicata in the case of the holder or his alleged wife or child. See bureau circular letters of Nov. 5 and 14, 1913, and Jan. 8, 1914, No. 53560–225.

[3] See sec. 6, act of May 5, 1892, as amended by sec. 1, act of Nov. 3, 1893, and footnotes.

(*b*) Number of original certificate of residence, if obtainable.
(*c*) Whether original certificate was issued under act approved May 5, 1892, or act approved November 3, 1893, amendatory thereof.
(*d*) Place and at least approximate date of issue of original certificate.
(*e*) Applicant's place of residence (town, street, and number) and occupation at time of issuance of original certificate.
(*f*) Applicant's present place of residence and occupation.
(*g*) Applicant's present age and exact height, color of his eyes, his complexion, and any physical marks or peculiarities that would aid in his identification.
(*h*) A statement of the circumstances under which original certificate was lost, including date, place, and every detail of such loss.
(*i*) Affidavits of witnesses familiar, of their own personal knowledge, with the circumstances of the loss.
(*j*) Three unmounted photographs of applicant, from a negative that has not been retouched; full front view, showing both ears, about 3 by 3 inches square, head $1\frac{1}{4}$ inches long from top of head to point of chin—one to be attached to the duplicate if issued, the others to be retained in the files of the bureau.
(*k*) Time of applicant's first arrival in the United States and port of landing.
(*l*) Name of witness to *original* application for registration.

### Rule 22. LIMITATION OF POWER TO ISSUE CERTIFICATES.

Officers shall not issue any certificate, letter, or other document, or any duplicate thereof—other than those provided for by law and these regulations—setting forth the status of a Chinese person as a resident of this country or otherwise indorsing such person.

### Rule 23. ARRESTS AND PREVENTION OF FRAUD.

SUBDIVISION 1. *Institution of deportation proceedings against fraudulent holders of certificates.*—Chinese inspectors and immigrant inspectors shall examine all Chinese persons resident or found within the United States not personally known to them to be legally entitled to be and remain in the country, and shall inspect the certificates of residence or other papers found in the possession of such Chinese and conduct such examination as may be necessary to determine the identity of the Chinese as the proper holder of such paper or to determine the status of such Chinese when no paper is presented.[1] If it is found that any Chinese person entered unlawfully or is unlawfully in the United States, proceedings under either or both the Chinese-exclusion and the immigration laws, looking to the deportation of such Chinese in accordance with the provisions of said laws[2] shall be instituted by such inspectors. Chinese who are

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[1] For decisions as to who are laborers, see footnote 3 to act of 1893 (p. 16, ante).
[2] Chinese, as well as other aliens, who enter the United States surreptitiously enter "in violation of law" as contemplated by section 19 of the immigration act of Feb. 5, 1917 (170 Fed., 566; 174 Fed., 674; 202 Fed., 65 and 914; 203 Fed., 25; 223 U. S., 67), and are to be deported to the transoceanic port of foreign embarkation (sec. 19, act of 1917; 176 Fed., 933 and 998; 183 Fed., 260; 195 Fed., 693; 223 U. S., 67). Chinese who enter or are found in the United States in violation of the exclusion laws are subject to deportation under section 19 of the said immigration act, and are to be arrested in accordance with the provisions of said section (see footnote to sec. 19, p. 25, ante). In arresting Chinese under either or both of said sections of the immigration act the provisions of Rule 22 of the immigration rules should be followed so far as applicable. For citations of court decisions rendered in connection with the arrest of Chinese, see footnotes to acts of 1888, 1892, and 1893, pp. 10–17, ante.

found to be illegally in the country after securing admission to the United States by claiming to be members of the exempt classes or the wives or children of members thereof shall be arrested and deported.[1]

SUBD. 2. *Prevention of departure of Chinese for interior.*—In accordance with instructions to that end which shall be given by the officers under whose immediate supervision they serve, Chinese inspectors and immigrant inspectors stationed on the land boundaries of the United States shall adopt proper measures to prevent the departure from cities, towns, or other places on or in the immediate vicinity of the land boundaries of Chinese who have not been examined and whose papers have not been inspected in accordance with subdivision 1 hereof: *Provided*, That due precautions shall be adopted to avoid molesting bona fide residents of such places on the land boundaries, the purpose hereof being to prevent the departure for the interior of Chinese who have effected unlawful entry across such boundaries.

SUBD. 3. *Examination of witnesses.*—Whenever information regarding violations of the Chinese-exclusion laws is obtained by any inspector, it shall be promptly furnished direct to the officer in charge of the district involved; and to the end that immigration officers generally may readily determine whether a Chinese witness under examination has previously testified, the following practice shall be observed: Such witnesses shall be questioned concerning material details[2] with respect to members of their families and as to whether they are acquainted with any Chinese born in the United States, and a record shall be made of their testimony; a notation[3] then to be written upon the certificate of residence, certificate of identity, or other paper presented by witness as documentary evidence of his status, such notation to show name of station of the inspector and the office number of the case under investigation. Thus officers subsequently examining the same witness will become aware of the availability for comparison of the testimony given previously.

### Rule 24. PHOTOGRAPHING ARRESTED CHINESE.

SUBDIVISION 1. *Expense authorized.*—To insure the identification of Chinese arrested within the United States, the following instructions shall be observed with respect to the photographing of such Chinese, the expense thereof to be borne by the appropriation "Expenses of regulating immigration" (Chinese).

SUBD. 2. *Number of prints and disposition.*—Every Chinese person arrested under the exclusion laws by an immigration or other official will be photographed immediately upon the consummation of the arrest, the photograph to be prepared in triplicate and not retouched nor mounted, one copy to be attached to the United States court or commissioner's docket, one to be furnished the officer in charge of the district in which the arrest occurs, and the other to be attached (in the event that deportation is finally ordered) to the writ of deportation.

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[1] 83 Fed., 832; 86 Fed., 605; 133 Fed., 154; 133 Fed., 391; and Ex parte Chun Woi San, 230 Fed., 538; In re Chen Hsi, District Court Northern District of California, not yet reported; Lew Loy *v.* U. S., Circuit Court of Appeals, Sixth Circuit, not yet reported.

[2] Such as name, age, place of birth, residence, etc.

[3] This notation should be written across some of the printing or writing on the certificate, so it can not be easily erased.

SUBD. 3. *Who shall take photographs.*—When arrests occur at stations the officers of which are supplied with photographer's apparatus, the photographs will be made by such officers; when in other localities, the immigration officers will have the photographs made by local photographers at the least possible expense compatible with a proper performance of the work, bills therefor to be rendered on the blank vouchers supplied for rendering accounts.

SUBD. 4. *Copy for court docket.*—The copy of the photograph attached to the docket of the court or commissioner should be permanently affixed thereto and in such manner as to render as remote as possible the chance of any change or substitution being made.

SUBD. 5. *Copy for field office.*—The copy furnished the officer in charge of the district will be placed in his office records, together with a short history of the case to which it relates, being filed in such manner as to furnish a comprehensive record that can be readily referred to when needed at any future time.

SUBD. 6. *Copy for writ of deportation.*—The copy attached to the writ in case of deportation should be affixed permanently thereto and in such manner as to prevent the substitution of some other photograph therefor,[1] the objects of its use being to afford a means of identifying the alien as the person referred to in the writ, and to supply the immigration official at the port of deportation with a means of identifying the person delivered on board the vessel as such person.

### Rule 25. USE OF IMMIGRATION APPROPRIATION.

SUBDIVISION 1. *In enforcement of Chinese-exclusion laws.*—The appropriation "Expenses of regulating immigration" should be charged with the expense of deporting Chinese aliens arrested under the immigration law (unless the transportation company is responsible for a part of such expense), and with the expenses connected with the deportation of Chinese under the Chinese-exclusion laws as shown in subdivisions 2 and 3 hereof:

SUBD. 2. *Maintenance of Chinese persons.*—The cost of maintenance of Chinese persons who are taken into custody up to and including the date upon which warrant issued by a United States judge or commissioner is received by the marshal;[2]

The cost of maintenance of such Chinese, commencing with the date writ of deportation is first received by the marshal, and, in case of appeal, cost of maintenance up to the date of such appeal, and from the date of receipt by the marshal of the court's orders dismissing the appeal;

SUBD. 3. *Expense of deportation.*—The cost of deportation, including railroad and steamship fares of prisoners and marshal or deputy; authorized expenses for guard hire; and maintenance en route.

Upon receiving writs of deportation marshals should at once make written report to the Commissioner General of Immigration, Department of Labor, Washington, D. C., giving names of the Chinese, where confined in jail, and when the perod of appeal provided by

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[1] The best method of obtaining this result is to impress the court or commissioner's seal over the edge of the photograph in such a way as not to mar or deface the features represented thereby.

[2] Regarding cost of photographing, see subd. 3, Rule 24.

section 13 of the act approved September 13, 1888, will expire. Instructions will be then issued as to the route to be followed, number of guards to be employed, and to whom accounts are to be presented or forwarded for settlement.

SUBD. 4. *Appointment of officers for deportation duty.*—Pursuant to the provisions of the act approved June 23, 1913,[1] any officer of the United States Immigration Service, Department of Labor, who may be detailed for that purpose by the Commissioner General of Immigration, is designated to accept custody of Chinese persons who may be ordered deported under judicial writs. Immigration officers to whom such Chinese are delivered by United States marshals shall give the latter a proper receipt showing such delivery and also, for completion of the court records, shall make return of the original writ in each case showing final disposition of the person named therein.

SUBD. 5. *Expenses of United States marshals, when payable.*—In cases where United States marshals are requested to make delivery of Chinese for deportation at some point to reach which travel is required, actual and necessary expenses will be allowed under the travel regulations of the Department of Labor. Government requests for transportation (Department of Labor) will be furnished when practicable to marshals by officers of the Immigration Service for the procurement of tickets required to accomplish delivery of Chinese deportees to designated points. Guard hire (when authorized) and personal expenses of such guards will be classed as "traveling expenses" of the marshal or deputy making such deliveries and must be supported by appropriate receipts as subvouchers.

SUBD. 6. *Submission of vouchers for expenses.*—The accounts of jailers, sheriffs, or other officers for subsistence furnished to Chinese persons and which properly may be payable from the appropriation "Expenses of regulating immigration" shall be rendered on Form 573 of the Department of Labor and transmitted by the marshal, after approval by him, to the commissioner of immigration or inspector in charge of the immigration district whence each such Chinese person was ordered deported, for record and transmission to the department for settlement, accompanied by Form 421 duly certified. A like method of transmission shall be followed in the case of vouchers on Form 571 for traveling expenses.

### Rule 26. SPELLING OF CHINESE NAMES.

It is practically impossible to use any general and uniform method of spelling Chinese names. Such names are supposed to be rendered into English according to the science of phonetics, but there is a great divergence of opinion as to the letters of the English alphabet that ought to be used to represent certain sounds. With a view to obviating this difficulty so far as may be possible, officers of the Immigration Service engaged in investigating the cases of Chinese should observe the following practice:

(*a*) If the name of the Chinese person has been used already in some previous stage of the case under investigation, continue the same spelling throughout the proceedings unless it is quite apparent

[1] For said provision, see p. 20, ante.

that a mistake has occurred and that the name (i. e., the *sound*) can not be rendered properly by means of the letters previously used, in which event a note explaining the change should be inserted in the paper in course of preparation.

(*b*) When the name of the Chinese person arises primarily in connection with any case, represent it in English by means of the simplest and most accurate combination of letters which will produce the *sound* of such name—e. g., the name or sound *Lui* should be represented by the three letters *l-u-i*, not *Louis*, *Louie*, *Looey*, etc.

(*c*) Whenever the name of a Chinese person is obtained, after rendering it into English in accordance with the foregoing, require such person to write his name in Chinese characters, inserting it in the paper being prepared immediately after the English equivalent. If the name is thus written in the shorthand notes of a stenographer employed in reporting the case, a tracing thereof should be inserted in the transcript of such notes. As the written language of China does not vary, no matter to what extent the spoken language may run into dialects and colloquialisms, this practice will insure the procurement of the Chinese person's exact appellation.

### Rule 27. AUTHORITY, POWER, AND JURISDICTION OF INSPECTORS.

Under the authority conferred by section 7 of the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," and the act approved March 4, 1913, entitled "An act to establish a Department of Labor," the authority, power, and jurisdiction in relation to the exclusion of Chinese persons and persons of Chinese descent vested by law in collectors of customs are conferred upon and vested in the officers in charge of districts shown in Rule 28 hereof (or inspectors acting under their direction), such officers being under the control of the Commissioner General of Immigration; and pursuant to the said authority the Chinese and immigrant inspectors in the United States Immigration Service are hereby designated to exercise the powers of arrest conferred upon United States customs officials and collectors of internal revenue and their deputies by section 6 of the act approved May 5, 1892 (27 Stat. L., p. 25), as amended by section 1 of the act approved November 3, 1893 (28 Stat. L., 7).

### Rule 28. ADMINISTRATIVE DISTRICTS.

For convenience in enforcing both the immigration and the Chinese-exclusion laws the territory within which immigration officials are located is divided into districts, under the jurisdiction of commis-

sioners of immigration or inspectors in charge, numbered, defined, and with headquarters fixed, as follows:

| Dist. No. | Title of officer. | Location of headquarters. | Extent of districts. |
|---|---|---|---|
| 1 | Commissioner of immigration. | Montreal, P. Q., Canada. | Eastern Canadian seaports and Canadian border east of the easterly line of Montana.[1] |
| 2 | .....do..... | Boston, Mass..... | New England States, including port of Boston and subports of Portland, New Bedford, and Providence. |
| 3 | .....do..... | Ellis Island, New York Harbor. | New York and New Jersey; immigration matters *only*. |
| | Chinese inspector in charge. | U.S. Barge Office, New York, N. Y. | New York and New Jersey; Chinese matters *only*. |
| 4 | Commissioner of immigration. | Philadelphia Immigration Station, Gloucester City, N. J. | Pennsylvania, Delaware, and West Virginia; port of Philadelphia and substations of Pittsburgh, Chester, and Wilmington. |
| 5 | .....do..... | Baltimore, Md..... | Maryland and District of Columbia; port of Baltimore and subports of Annapolis and Washington. |
| 6 | Inspector in charge.... | Norfolk, Va..... | Virginia and North Carolina; port of Norfolk and subports of Newport News and Wilmington. |
| 7 | .....do..... | Jacksonville, Fla..... | Georgia, Florida, Alabama, and South Carolina; port of Jacksonville and subports of Savannah, Brunswick, Tampa, Miami, Key West, Pensacola, Mobile, and Charleston. |
| 8 | Commissioner of immigration. | New Orleans, La..... | Louisiana, Mississippi, Arkansas, and Tennessee; port of New Orleans and subports of Gulfport and Pascagoula. |
| 9 | Inspector in charge.... | Galveston, Tex..... | The port of Galveston and subports of Port Arthur and Corpus Christi, Tex. The territory bounded on the north and east by the Louisiana-Texas border and the Gulf of Mexico; on the west by the westerly boundaries of the following counties in Texas: Shelby, Nacogdoches, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, Wharton, Jackson, Victoria, Refugio, San Patricio, and Nueces: and on the south by the southerly boundary of Nueces County, Tex. |
| 10 | .....do..... | Cleveland, Ohio..... | Ohio and Kentucky; substations at Toledo and Cincinnati. |
| 11 | .....do..... | Chicago, Ill..... | Illinois, Indiana, Michigan, and Wisconsin. |
| 12 | .....do..... | Minneapolis, Minn.... | Minnesota and North and South Dakota. |
| 13 | .....do..... | St. Louis, Mo..... | Missouri, Iowa, eastern Nebraska, eastern Kansas, and eastern Oklahoma; substations at Kansas City and Omaha. |
| 14 | .....do..... | Denver, Colo..... | Colorado, Wyoming, Utah, western Nebraska, western Kansas, and western Oklahoma; substation at Salt Lake City. |
| 15 | .....do..... | Helena, Mont..... | Montana and Idaho. |
| 16 | Commissioner of immigration. | Seattle, Wash..... | State of Washington and Canadian border west of the easterly line of Montana; port of Seattle and subports of Tacoma, Port Townsend, Hoquiam, Everett, and Bellingham; substations, Spokane, Walla Walla, Custer, and Nooksack. |
| 17 | Inspector in charge.... | Portland, Oreg..... | Oregon; port of Portland and subport of Astoria. |
| 18 | Commissioner of immigration. | San Francisco, Cal.... | Northern California and Nevada; port of San Francisco; substations, Sacramento and Eureka. |
| 20 | Inspector in charge.... | Ketchikan, Alaska.... | Alaska; port of Ketchikan and substations of Skagway and Nome. |
| 21 | Commissioner of immigration. | San Juan, P. R..... | Porto Rico; port of San Juan and subports of Ponce and Mayaguez. |
| 22 | Inspector in charge.... | Honolulu, Hawaii..... | Territory of Hawaii, including all ports. |
| 23 | Supervising inspector. | El Paso, Tex..... | Texas, except portion comprising district No. 9; New Mexico, Arizona, and southern California, including seaports and border stations. |

[1] See Rule 12, immigration rules.

A. CAMINETTI,
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LOUIS F. POST,
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